

# Scolt Head and District Common Rightholders' Association

Founded 1984

Secretary Mr R Cooke

r.cooke33@btinternet.com

## Draft minutes of a meeting held at 6:30 p.m. on Friday 12<sup>th</sup> November 2021 at Brancaster Staithe Village Hall in the main room socially distanced.

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Held on

££ 65  
££ 161  
££ 162  
££ 124

To take:

Wildfowl  
Fish  
Seaweed  
Samplice  
Sand  
Shingle  
Shellfish  
Sea Lavender

Estovers  
Herbage  
Tangle  
Bait  
Reeds  
Soil  
Game

To graze:

Cattle  
Horses  
Geese  
Sheep

1. Those Committee members present and Apologies for absence: Chris Cotton, Stephen Bocking, Mark Cooke, Tom Gathercole, Peter Bickell, Rod Cooke, Billy Scoles.

Apologies: Michael Bucher, Simon Raven.

2. Elect Chair and Vice Chair and consider positions of Secretary and Treasurer:

Chris Cotton agreed to take the chair for this meeting.

It was noted that Michael Bucher had no objections to taking the Chair for the coming year. Proposed and seconded and all in favour. Stephen Bocking agreed to carry on as Vice-Chair; proposed and seconded and all in favour. All were in favour of making no changes to the positions of Secretary and Treasurer.

3. Minutes of the meeting of 23<sup>rd</sup> July 2021, which have been circulated to the Committee, sent via email and posted on social media with the agenda, were agreed as a correct record.

4. Treasurer's report: The report made to the AGM was discussed and the deficit on the last year noted. There had been £20 donations and £20 expenditure on hall hire since the AGM. Printing, ink and paper costs were discussed: these were quite substantial but reflected back to paperwork for the PINs Inquiry, the Newsletter and AGM paperwork. All of this was done by Chris and Rod and was much more cost effective than farming it out. However, Chris has found a source that might be able to compete with a good price in future. Chris has a number of printing expenses related to keeping a record of events for SH&DCRA and it was agreed that he can claim for his ink and paper purchases.

5. Updates on matters from 23<sup>rd</sup> July 2021 including:

- Community Action Norfolk (CAN). Agreed that the secretary continue to send all correspondence from CAN to the Committee members.
- Constitution, Trustee Addendum, Deed of Appointment of Trustees and transfer of Common Right. All of the necessary documents have now been put in place and the transfer process of a common right to the Association Trustees has been put in place by Norfolk County Council Registration Authority.
- CL124 and the RWNGC – curtilage car park which the RWNGC refuse to discuss. Note: The PINS inquiry established that the land is common land; a fence has been erected; parking still takes place; Brancaster PC minutes confirm

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that the RWNGC asked if they could use this land, they were told no, they still went ahead.

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Correspondence had been received from a committee member suggesting that not enough emphasis is being placed upon the facts that such as: the RWNGC, Holkham Estate, Burnham Overy Harbour Trust and Brancaster Parish Council will not engage in dialogue with SH&DCRA. It is this that has caused a lack of progress in taking issues forward.

It was agreed that the secretary write to PINs, CAN and Open Spaces Society for advice on matter of encroachments on the common, next to their curtilage carpark, by the RWNGC.

- Brancaster Parish Council and car park receipts; external auditor; Brancaster PC refuse to correspond with SH&DCRA and what to do about it; Monitoring Officer; police involvement.

Note: Chris and Stephen took no part in this discussion or decision.

The secretary reported that he had continued to try to make contact with the Monitoring Officer but had received no replies to his emails or telephone calls. A previous message from the Monitoring Officer had suggested reporting matters to the police as fraud. The PC's External Auditors have been given all of the evidence relating to the use of car park receipts by the PC and, relating to last year's PC accounts, the PC were advised to take legal advice. SH&DCRA await the outcome of this year's audit and the challenge made on their behalf by a committee member. SH&DCRA has taken legal advice and copies of this have been sent to the auditors and the PC. SH&DCRA's solicitor did not receive a response.

It was agreed that the secretary continue to ask the Monitoring Officer for advice in written form. Secretary was also asked to write to CAN to see if they can offer advice.

The "Scrivinger Seabrook" letter was mentioned. This concerned an investigation into ownership of the common by the named solicitors on behalf of Brancaster Parish Council in 1992. Here the solicitors confirm the Tithe Allotment of 1841; *indicated that some 621 acres had been left to the parish.* This land would seem to include the Beach Road Car Park, the golf course and parts of the marsh.

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- Insurance. Reminder to Committee of who and what. All of the paperwork from Saffron Insurance is now on file with the secretary.

6.5.2022

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- NT, BCC and BFC: Report on the cancellation of the meetings and the reasons why. Report on the discussions between SH&DCRA reps. and the NT:

SH&DCRA asked for the cancellation of the BCC meeting for the following reasons; the Association does not want Zoom meetings when face-to-face meetings are able to be held; no agenda or minutes of the last meeting had been circulated until asked for by the Association and then only at the last minute. Another overriding factor concerning the BCC and BFC is that there is an outstanding very important meeting to be held between the National Trust and SH&DCRA.

- Holkham Estate, Burnham Overy Parish Council and BOHT: Cancel culture i.e. refusing to acknowledge the existence of SH&DCRA, and what to do about it. Correspondence has been received after the AGM from a previous committee member concerned that the present Committee is “confrontational”. During the discussion it was noted that the present Committee does “confront” the serious encroachments on the commons and misuse of common rights that seem to have been ignored by past committees.

It was noted at the AGM that the cancel culture/refusing to acknowledge the existence of SH&DCRA operated by Holkham Estate and Burnham Overy Harbour Trust was holding up the process for managing CL65 through the Burnham Overy Harbour and Commons Trust. The present Committee acted (confronted the situation), as instructed by the SGM, and gained legal advice. That advice made it clear that Holkham Estate has no legal basis upon which to manage certain areas of CL65. The advice has been shared with all parties and was posted on social media.

The “Moorings Policy” for BOHCT had at Clause 15 the following (as mentioned at the AGM); *Burnham Overy Boathouse Ltd will relinquish its ownership from the majority of its moorings transferring these, by way of a licence issued by the BOHCT to the long established families and users of the moorings at time of transition Burnham Overy Boathouse will provide a list of those users of the “Boathouse” moorings who will be commuted to the new list and these individuals become respected and long term users of these moorings in their own right. This Clause, if accepted, would contravene the Laws of the Commons and constitute a major encroachment.*

So the present Committee has indeed confronted these issues, has sought legal advice and, following that advice, made a stand to protect the commons and common rights.

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It was noted that the writer of the correspondence was also not interested in dialogue. It was also noted that a request at the AGM from the Committee for assistance from those who were negotiating the BOHCT Constitution was rebuffed with a personal attack on the secretary.

The Committee will continue to explore ways in which all parties to the commons and common rights can be brought together in ways that support the restoration and preservation on the commons and common rights for the good of all.

## 6. Correspondence not covered by above.

- **BONWA:** Rumours have been circulating that BONWA have put money to one side to bring legal action against the SH&DCRA Secretary. Correspondence has been received from the Chair and Secretary of BONWA denying any part in these rumours and seeking to cooperate with SH&DCRA.

However, a spokesperson for Kent Wildfowlers has threatened legal action for the stance taken by SH&DCRA over their misuse of a common right.

SH&DCRA Secretary, speaking as a common rightholder, restated his opinion that; whilst both Brancaster Gun Club and BONWA continue to sell day tickets without the permission of common rightholders, it places SH&DCRA in a hypocritical position when confronting East Coast Sporting and Kent Wildfowlers.

The lawful position was made clear to all interested parties by Norfolk County Council Registration Authority; *Co-owners of a right of common are not entitled to take more from the land than a single owner.* Gadsden makes it clear that SH&DCRA must “confront” these issues to protect the commons and common rights; *89 A commoner may bring an action not only for unlawful consumption, taking away or destruction of the herbage (or indeed any other product for which he has a right) but also anything which if not stopped would grow into a legal right to the prejudice of the commoners.*

It seems that both Brancaster Gun Club and BONWA could move forward with SH&DCRA together to ensure that the lawful position is reached and that joint action could then be taken to put a stop to unlawful wildfowling on the commons.

- NCC Register Amendment information has been received and read to the meeting.

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- A common rightholder has written at length concerning different aspects of the commons and SH&DCRA. The Secretary has responded and it was agreed that this person could be co-opted onto the committee and/or members would meet with in order to give a full picture of the work of the Association.
- Correspondence from NCC Registration Authority concerning “split rights” has been received. Basically it is a restatement of the law concerning joint tenants, not anything relating to the original entries into the Register. The Secretary reminded the meeting of the offer made by the Barrister, Petchey, to look at the original entries for around £2,000 plus VAT. It was agreed that the Secretary look into whether NCC would share some of the costs in trying to settle this matter.

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## 7. Reeves' reports:

- The question of the boundary of CL65 when wildfowling along Overy bank was raised. It was stated that retrieving game from the freshwater marsh had been agreed to by the previous Earl of Leicester. If necessary, an affidavit could be sworn to this affect. It was agreed that BONWA was the right party to deal with this question.

## 8. A.O.B.

- Noted that the work on the marsh footpath at Brancaster has now been put back until after Christmas.

## 9. Date and time of next meeting. To be confirmed later depending upon urgency of issues.

Member of the public: Raised topics of keeping a paper trail for all issues, the RWNGC use of the common beyond their curtilage car park and questions about the extensions to the main car park. Discussions took place.

The meeting closed.

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