

**WRITTEN STATEMENT OF A NON-KEY DECISION  
CABINET**

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| <b>ITEM:</b>              | <b>BROMYARD COMMONS</b>  |
| Members Present:          | Councillors: RJ Phillips (Leader), Mrs LO Barnett, PJ Edwards, Mrs JP French, JC Mayson, DW Rule MBE (Deputy Leader), RV Stockton, DB Wilcox, RM Wilson.   |
| Date of Decision:         | 14th Dec 2006  |
| Exempt:                   | No -   |
| Confidential              | No   |
| Urgent Decision:          | No   |
| Purpose:                  | To consider the proposed action in terms of future management and governance of Bromyard Common.   |
| <b>Decision:</b>          | <p><b>THAT (a) the plan of action in relation to Bromyard Common be agreed;</b></p> <p style="padding-left: 40px;"><b>(b) the Head of Legal and Democratic Services together with the Director of Adult and Community Services be permitted to review the governance and maintenance arrangements for Bromyard Common and for Counsel to be instructed to consider views of all parties and set out recommendations for future governance of the Common to the Council; and</b></p> <p style="padding-left: 40px;"><b>(c) a further report be brought to Cabinet to review the recommendations of Counsel.</b></p>   |
| Reasons for the Decision: | <p>Bromyard Common is currently managed through the Bromyard Common Management Committee which is a sub-committee of the Brockhampton Group Parish Council. The management of the Common was delegated by this Council's predecessor Malvern Hills District Council to the Brockhampton Group Parish Council by an Agreement dated 22nd May 1991 ("the Agreement"). As a result of local government reorganisation Herefordshire Council is the successor authority to the agreement which places the ownership of the Common in the Council. The Council have continued to operate the scheme of delegation in accordance with the above mentioned Agreement.</p> <p>2. There have been ongoing issues with regard to the governance of the Common to the extent that a</p> |

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|                          | <p>Bromyard Commons User Group has been formed. A request has been received by the Council to determine whether or not the management committee is fulfilling its functions towards the Common and the representation of that committee in accordance with the Agreement</p> <p>3. The Council is required under the Scheme of Delegation to determine such grievances in a manner in which it may determine. The Head of Legal and Democratic Services sets out a proposed plan of action in order to review the governance and maintenance of the Common.</p> |
| Options Considered:      | To do nothing would be to invite litigation against the Council on which it is unlikely to be successful and a risk to the Council's reputation.  |
| Declaration of Interest: |   |

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| <p><b>COUNCILLOR RJ PHILLIPS:</b>..... Date:.... 14th Dec 2006....<br/> <b>LEADER OF THE COUNCIL</b></p> |
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