

EAST HERTS COUNCIL

THE EXECUTIVE – 25 MAY 2004

REPORT BY THE EXECUTIVE MEMBER FOR THE ENVIRONMENT

12 WATERFORD HEATH – DRAFT BYELAWS AND CHARITABLE TRUST

RECOMMENDATION - that the draft byelaws be adopted, and the declaration of trust be approved.

1.0 Purpose of Report

1.1 To consider the creation of byelaws for the management of the Nature Reserve at Waterford Heath.

2.0 Contribution to the Council's Corporate Objectives

2.1 The report contributes to the Council's key objective to improve levels of tidiness in our towns and villages by reducing the problem of litter and other inappropriate activities at the Nature Reserve.

3.0 Background

3.1 The area known as Waterford Heath comprises 2 extensive former gravel works off the Sacombe Road to the north of Hertford, adjoining the eastern boundary of the Hertford to Stevenage railway line, near the village of Waterford.

3.2 The workings of the site for gravel extraction purposes ceased several years ago. Under an initiative taken by the Groundwork Trust in association with the local parish council, the gravel company (at that time Redland Aggregates), Herts and Middlesex Wildlife Trust, local residents groups and clubs etc, a Steering Group was established to oversee the implementation of a project aimed at returning the area to beneficial community use.

3.3 Local Nature Reserve designation for the site in accordance with Sections 19 and 21 of the Nature Parks and Access to the Countryside Act 1949 has been achieved.

3.4 Since then a Waterford Heath Steering Group has now become a Management Committee by virtue of a Management Agreement with Groundwork and the freehold owners of the site, Lafarge (UK). The Management Committee now wishes to become a Charitable Trust in order to, amongst other things, qualify for grants to assist its funding. The Management Committee is made up of representatives of the main interested parties in the Reserve.

4.0 Report

4.1 Setting up a Charitable Trust for the conservation and management of Waterford Heath is relatively straightforward. The Charity Commission will now register “conservation charities” in their own right, whereas, before a couple of years ago, they had to be reliant upon “education” or “other public benefit to the community”. A new Trust would be able to use the Charity Commission’s model Declaration thus saving not only legal costs, but also time. The time saving in particular is with the Charity Commission’s registration process. They will register a charity on their model form rather more quickly than one which has a constitution that they have never seen before.

4.2 It is assumed that the Management Committee will wish to dissolve upon the creation of the new Charitable Trust and that the membership of the governing body of the new Charitable Trust will be identical to that of the outgoing Management Committee. A draft declaration of trust has been drafted and a copy is contained in Appendix ‘A12’ (pages 12.4 – 12.23).

4.3 Draft byelaws have been prepared for the management of the site based on the Model Byelaws provided by DEFRA (attached as Appendix ‘B12’ (pages 12.24 – 12.27). They cover the areas which were considered to be necessary for the proper management of the Reserve except for overnight parking. This is controlled by the Road Traffic Regulation Act 1984 and it is not appropriate to use a byelaw when an alternative power is available.

5.0 Consultation

5.1 Organisations involved with the management of the Nature Reserve have been consulted.

6.0 Legal Implications

6.1 Legal issues were considered in drafting the documents.

7.0 Financial Implications

7.1 The intention is to minimise the financial effects on the Council. Enforcement of the byelaws would be within existing resources.

8.0 Human Resource Implications

8.1 None

9.0 Risk Management Implications

9.1 Appropriate management of the Reserve should reduce operational risks.

Background Papers

None

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