

## How much will a Commons Council cost?

We believe that everyone involved should pay their fair share, but the cost must not be prohibitive or the Council won't work.

Local commoners' associations and landowners will be expected to make a contribution. Also we are asking Defra to contribute to the initial running costs of the Council until it is up and running and has proved its worth.

The exact costs per commoner/owner will depend on the number of commons that participate (the more commons involved the less each common will pay).

The annual payment may be around 0.25 p/ha for each common that is a member.

Commons owners will be asked to pay around 0.10 p/ha.

Alternatively Dartmoor Commoners' Council levies a fee on each active grazier, non-active rights holders and land owners.

We will consider all options, but rest assured the Federation is not in the habit of creating extra costs

## Next Steps

1. Please consider whether your common should be involved. The Federation is happy to answer any queries or concerns. We strongly believe that the potential benefits from a Council outweigh any costs.
2. If your commoners' association wishes to be involved, please contact Viv Lewis
3. We will need information on who will be part of the common council, including the contact details of those representing each of the main interests, e.g. active graziers, non-graziers and landowners
4. All associations that commit to the Council will be included in the live register.
5. The Secretary of State will publish the draft establishment order on line and write round to all interested parties.
6. If there is substantial interest the Secretary of State will require that Parliament passes an Establishment Order .

### Contact Details

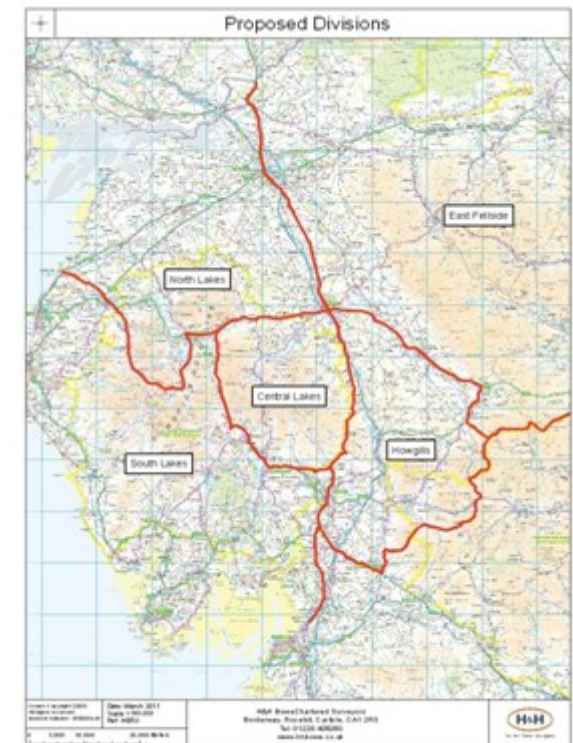
Viv Lewis

01931 713335

[viv@cumbriacommoners.org.uk](mailto:viv@cumbriacommoners.org.uk)

# CUMBRIA COMMONS COUNCIL

## INFORMATION



## Why is the Federation supporting a Commons Council?

The Federation has worked hard since 2003 to provide a voice for commoners in Cumbria. It is sometimes approached by local associations when problems arise but in these cases the Federation's role is limited as it has no statutory powers. A Council would enable common land to be properly managed with a binding dispute resolution service and prevent a small minority disrupting the livelihoods of the majority.

A Council has legal teeth. It has the power to enforce actions through the civil court. A local commoners' association doesn't have this power, so if a rights holder shows disregard to their local association's rules, the association does not actually have any real powers to enforce things. But the Council can.

In 2011 we undertook a consultation process and applied to Defra. Our proposal was accepted but the timing was not right.

The Brexit result has changed everything and we now want to take up where we left off. Defra are supporting us.

## How will the Council work with the Federation?

All commoners who are part of the Council would automatically then be members of the Federation which would continue to run in parallel with the Council but with shared staff and newsletters to minimise costs

## What can a Commons Council do?

- Manage agricultural activities
- Prepare and maintain a register of grazing
- Establish and maintain boundaries
- Remove unlawful boundaries and other encroachments
- Remove animals illegally grazing on the common
- Regulate the use of common rights
- Must be consulted about proposals for the common
- Provide a stronger voice for commoners

## What can't a Commons Council do?

A Council can't be imposed on a common. A common will only join the council when there is substantial support from the:

- Commoners (includes all rights holders, but especially those exercising rights),
- Owners
- Others with legal interests.

A Council cannot make rules that fall outside of its functions.

For example it cannot make rules about public access.

It cannot over-ride the normal need for landowners' consent for certain activities.

Local commoners associations will still run the day-to-day management of their commons and the Council will only intervene if asked, and as a last resort. It will advocate to government on behalf of commoners.

## How will the Council be managed ?

Cumbria will be divided up into five areas as shown on the map overleaf.

The Council will have seats for 15 Committee Members as follows:

- **10 Active graziers**, made up of 2 committee members from each of the five areas,. They must be a commoner who has grazed an even aged hefted fell flock for at least the previous two years
- **2 Non-active graziers**, to be from separate areas, must be a commoner who has not grazed animals on the common for at least the previous two years
- **3 Landowners**, at least one to be a private landowner.

Also 4 non-voting committee members can be co-opted onto the Council, such as a vet.

## How will decisions be made?

The Council will have a set of rules that would apply to all commons within the Council and if a breach cannot be resolved locally the Council can be brought in. Some Council decisions would be a simple majority vote but on decisions that limit the use of common rights a 75% majority would be required.

New rules for the Council would require majority support of the Council committee members. When new rules are proposed there would be notification procedures to all commoners and owners who are members of the Council.