

## **MALVERN HILLS CONSERVATORS MEETING OF THE BOARD**

**Council Chamber, Avenue Road, Malvern  
Thursday 11<sup>th</sup> December 2014, 7:30 pm**

Present: Rev'd C Attwood, Mr D Baldwin, Mr R Chamings, Mr M Cordey, Mr R Cousins (Vice-Chairman), Mr S Freeman, Mr S Ginn, Mr A Golightly, Mr R Hall-Jones, Mr D Hawkins, Mr R Madden, Mrs R Massey, Mr B Pilcher, Mrs G Rees, Mr J Roskams, Mr C Rouse, Ms H Stace (Chairman), Mr D Street, Mr P Tuthill, Mr P Watson, Mr T Yapp, Mrs S Young.

In attendance: Director, Secretary to the Board, Conservation Officer, Community and Conservation Officer, 3 members of the public.

### **1. APOLOGIES FOR ABSENCE**

Mr R Morton, Mr T Perry, Prof J Raine. The Chairman had received a letter of resignation from Clive Smith.

### **2. PRESENTATION ON MHC FACEBOOK/TWITTER PAGES**

The Community and Conservation Officer gave a presentation on the MHC website, Facebook and Twitter pages.

### **3. PUBLIC QUESTIONS**

There were none.

### **4. ELECTION OF CHAIRMAN FOR THE YEAR**

The Director took the Chair. There was one nomination for the post of Chairman and Ms Stace was elected unopposed.

### **5. ELECTION OF VICE-CHAIRMAN FOR THE YEAR**

There were 2 nominations for the post of Vice-Chairman, Roger Cousins and Pete Watson. Roger Cousins was elected in a secret ballot by 13 votes to 9. Ms Stace resumed the Chair and thanked Mr Watson for his year as Vice-Chairman.

### **6. DECLARATIONS OF INTEREST**

Mr Tuthill declared an interest in matters relating to Worcestershire County Council. Mr Rouse declared an interest in matters relating to the HLS scheme.

### **7. CHAIRMAN'S REPORT FOR THE PREVIOUS YEAR**

Ms Stace and the Board thanked the staff at MHC and sent their good wishes for Christmas. She reported a busy year. The second phase of the St Ann's Well Inquiry had been signed off. Ms Stace encouraged members who had not been involved to have a look at the report in order to understand the context of MHC's present position.

Since January MHC had been working to the new Governance Handbook. Mr Musgrove and Mr Tuthill had drawn MHC's attention to the option of asking the Charity Commission to prepare a scheme to address the outstanding governance issues. MHC were now working to understand what should be included in the scheme and the Chairman thanked Mr Ginn for chairing that process.

Finance, Administration and Resources Committee had formulated a new investment policy and Brewin Dolphin had been appointed to manage a substantial proportion of MHC funds. MHC received bad news about the level of deficit on the pension fund, although detailed discussion with the Actuary resulted in the figure being reduced. Further work would be required 2015 to decide how to deal with the deficit. Key works to buildings at the Hacketts, St Ann's Well and 34 Wyche Road had been carried out. The Business Plan was scoped out and the staffing structure revised, enabling the new post of Community and Conservation Officer to be created, the Financial Consultant to be taken on as a member of staff and the engagement of a part time Administrative Assistant.

A number of Conservators had left the Board over the year, and the loss of their expertise was regrettable. The Chairman welcomed new members. A skills audit had been carried out and some training and exchange visits with other Boards of Conservators had been arranged.

Key issues for Land Management Committee were implementing the recommendations of the RoSPA report at Gullet Quarry and the development of the Land Management Plan. The Chairman thanked the Conservation Officer for his hard work in preparing part I of the Plan. The Easement Policy had been revised and one of the main current issues was the future of grazing on the hills and commons. The Chairman encouraged members to attend the Chairman's workshops which enabled in depth discussion on key subjects and also gave the opportunity for members to get to know one another outside the formal committee meetings.

## **8. CHAIRMAN'S ANNOUNCEMENTS**

8.1 The Chairman welcomed Ralph Madden

8.2 Chairman's workshops – The Future of Grazing on the Commons 16 December 2014

8.3 Update on Board vacancies The Director reported that Chris O'Donnell had been nominated by Malvern Hills District Council (MHDC). Mrs Adeney was trying to arrange a meeting with the Bishop to discuss making an appointment to the Board. There was now an additional vacancy as a result of the resignation of Clive Smith.

8.4 Any other matters Ms Stace asked members to make it clear when making comments, particularly in the press, that the views expressed were personal and not those of MHC. She also asked Board members to note that when documents were marked as "confidential" they were asked not to show them to others. The Director had been in touch with MHDC and it would not be possible to enclose a leaflet with Council Tax demands for the precept paying wards. It had been suggested that a leaflet

might be enclosed with all Council Tax demands, which stated that its content was only applicable to certain wards.

## 9. **MEMBERSHIP OF COMMITTEES FOR NEXT YEAR**

Members who had not attended meetings over the past year had not been allocated to a committee but were welcome to join a one if they wished.

### **Land Management**

David Baldwin  
Richard Chamings  
Roger Cousins (ex officio)  
Simon Freeman  
Angus Golightly  
Roger Hall-Jones  
David Hawkins  
Brian Pilcher  
Gwyneth Rees  
Chris Rouse  
Helen Stace (ex officio)  
Tom Yapp  
Sheila Young

### **Finance Administration and Resources**

Carl Attwood  
Martin Cordey  
Roger Cousins (ex officio)  
Stan Ginn  
Anthony Johnson  
Ralph Madden  
Roger Morton  
John Raine  
Helen Stace (ex officio)  
David Street  
Paul Tuthill  
Pete Watson

### **Governance**

Carl Attwood  
Roger Cousins (ex officio)  
Simon Freeman  
Stan Ginn  
Roger Hall-Jones  
Brian Pilcher  
John Raine  
Gwyneth Rees  
Helen Stace (ex officio)

## **ELECTION OF MEMBERS TO SERVE ON OUTSIDE BODIES FOR THE FOLLOWING 12 MONTHS**

### **AONB**

Gwyneth Rees

### **4Cs (2 members)**

Richard Chamings

Chris Rouse

### **Malvern Spa Association**

Pete Watson

### **Recreation Advisory Panel (4 members)**

David Baldwin

Roger Cousins

Simon Freeman

David Hawkins

### **Wildlife Panel (4 members)**

David Hawkins

Chris Rouse

Helen Stace

Pete Watson

On the proposal of Ms Stace, seconded by Mr Ginn it was **RESOLVED** unanimously to make all of the above appointments.

## **10. TO CONFIRM THE MINUTES OF THE BOARD MEETING HELD ON 11<sup>TH</sup> SEPTEMBER 2014**

On the proposal of Ms Stace, seconded by Mrs Rees it was **RESOLVED** that the minutes be signed as a **TRUE** and **ACCURATE** record.

## **11. MATTERS ARISING FROM THE BOARD MEETING**

There were no matters that were not on the agenda.

## **12. MINUTES OF THE FOLLOWING COMMITTEES**

### **12.1 LAND MANAGEMENT COMMITTEE MEETING HELD 9 OCTOBER 2014**

12.1.1 Mr Cousins presented the minutes of the meeting held on 9.10.2014. The **ACCURACY** of the minutes was **AGREED**.

12.1.2 Mr Cousins highlighted the issues which had been discussed and the recommendations which the Committee made to the Board. Mr Pilcher asked a question about the gate from the car park on to Old Hills. The Chairman asked the staff to note his comments and make sure that he understood the present arrangements.

12.1.3 On the proposal of Ms Stace, seconded by Mr Rouse it was **RESOLVED** unanimously to adopt the minutes and the recommendations contained in them.

## 12.2 GOVERNANCE COMMITTEE MEETING HELD ON 9 OCTOBER 2014

12.2.1 Rev'd Attwood presented the minutes of the meeting held on 9.10.2014. The **ACCURACY** of the minutes was **AGREED**.

12.2.2 Rev'd Attwood reported that the main purpose of the meeting was to set up a Working Group to consider changes to governance which might be incorporated in a Charity Commission Scheme. The Working Group had benefitted considerably from the presence of David Bryer, former CEO of Oxfam, who had considerable knowledge of governance.

12.2.3 On the proposal of Mr Ginn, seconded by Mr Pilcher it was **RESOLVED** unanimously to adopt the minutes and the recommendations contained in them.

## 12.3 FINANCE, ADMINISTRATION AND RESOURCES COMMITTEE MEETING HELD ON 13 NOVEMBER 2014

12.3.1 Mr Street presented the minutes of the meeting held on 13.11.2014. The **ACCURACY** of the minutes was **AGREED**.

12.3.2 Mr Street highlighted the issues which had been discussed and the recommendations which the Committee made to the Board. In particular, the Committee did not accept the recommendation of the Director to increase the cost of the residents' parking permit to £2.50 but recommended that the Board increase the cost to £3.00. Mr Street was awaiting a progress report from Brewin Dolphin on investment of funds. A working party, comprising Mr Street, Ms Stace, Mr Madden and Mr Yapp had been set up to consider what should be done in connection with the pension deficit. There would be an initial meeting on 14 January. There had been no progress on disposal of 34 Wyche Road. The Director was seeking advice on whether there was anything in the acts which might permit either letting on the open market or selling the property. Mr Tuthill repeated his concern about escalating pension scheme contributions, and felt that this would make it difficult to balance the budget in future years.

12.3.3 On the proposal of Mr Watson, seconded by Mr Tuthill it was **RESOLVED** unanimously to adopt the minutes and the recommendations contained in them.

## 13. TO APPROVE THE BUDGET FOR 2015/16

The Director explained that there was a proposed increase in the levy in line with inflation. He pointed out the provision of £30,000 for work on Thirds Wood. This was specialist work requiring expert help, although it was hoped that some grant funding might be available. Pension fund contributions had been budgeted at the Actuary's recommended rate. On the proposal of Mr Cousins, seconded by Mr Street it was **RESOLVED** (with one vote against) a) that the levy be increased to £421,400 and b) to approve the General Fund budget as presented to Finance Administration and Resources Committee on 13 November 2014.

Mr Chamings felt MHC should not be increasing the levy by 2% when other public authorities were making cuts.

#### **14. GOVERNANCE REVIEW**

Mr Ginn presented a written progress report. He felt that the inclusion in the Working Group of David Bryer was exceptionally valuable. Four more meetings had been scheduled in the new year, to go through the Acts and to further discuss outstanding issues. Mr Ginn hoped that the Group might then be in a position to put forward proposals. Mr Ginn thanked all those who had given their time to the Group.

#### **15. SPRINGS ON MHC LAND**

The Director reported that Worcestershire Regulatory Services (WRS) had raised a concern about the quality of the water coming from the spouts. They stated that MHC should put up signs saying the water was unfit for human consumption. The Director had notified Simon Smith at MHDC, and Harriet Baldwin. Both indicated that they would speak to WRS.

Ms Stace adjourned the meeting to allow John Redman to speak. He said that he had been told that he could remove the notice at St Ann's Well. The meeting was re-convened.

The Director confirmed that there had been no issue with the springs tested by the Herefordshire authorities. Ms Stace said that MHC would continue to try to resolve the issue.

#### **16. INFORMATION**

##### **16.1 Malvern Spa Association**

A written report had been submitted. Mr Watson confirmed that the Association had also been pressing the Regulatory Authority on the issue of their requirement that signs should be put up indicating that the water was unfit for human consumption.

##### **16.2 AONB Joint Advisory Committee**

A written report had been submitted.

##### **16.3 Wildlife Panel**

No meeting since 11.09.2014

##### **16.4 Recreation Advisory Panel**

A written report had been submitted. Mr Hawkins felt that the panel was very successful and attracted a wide cross section of users of the hills.

#### **17. MANAGEMENT REPORT**

A written report had been submitted. The Director went through the report and highlighted various matters, including a further break in at the Lower Shed. This had occurred a matter of days after the equipment which had previously been stolen was replaced. Equipment could not be stored there until the security concerns had been addressed. Part I of the Land Management Plan had been well received and the experts who had been consulted on it had spoken very highly of the Conservation Officer's work. The Deputy Conservation Officer had settled back into post and was now in a position to carry out monitoring work which MHC had not had time to do in the past. The Community and Conservation Officer was also in post and had started

work on various projects including a review of signage and the web site and investigating options for grant funding.

Mr Chamings raised the issue of the cable car proposal. He felt this should go onto the agenda as it was a significant proposal for Malvern and the Board should have an open debate about it. Ms Stace said that the Director had circulated to Board members a copy press release together with a document setting out the relevant clauses in the Acts and the reasons why he felt the scheme would be unlawful. In these circumstances, the cable car had not been put on the agenda. Ms Stace suggested that there might be a Chairman's Workshop on the project. Rev'd Attwood asked whether the matter should be considered as part of the Governance review. The Director responded that the Charity Commission had said that the scheme could include matters which would assist MHC in achieving their objects. He did not believe that this would fit those criteria. Mr Hall-Jones said there was no point in having a discussion until detailed proposals were available. Mr Madden asked whether MHC should seek Counsel's opinion on the matter. The Director felt that the legal position was clear. Mr Street had attended a High Street Malvern meeting and had pointed out that if they wanted a change in the legislation they would have to fund that. Ms Stace said in summary that under the current legislation, the project would be unlawful and *ultra vires*. She asked Board members to be aware that this was the legal position.

The Director had been contacted with a view to arranging a meeting with the new Chief Executive of Malvern Hills DC.

#### **18. URGENT BUSINESS**

There was none.

#### **19. TIME TABLE FOR MEETINGS 2015**

This had been circulated. Ms Stace thought that it might be necessary to call a Special Meeting of the Board to consider the conclusions of the Charity Commission Working Group.

#### **20. ITEMS FOR FUTURE CONSIDERATION**

Mr Tuthill raised the issue of using special vehicles to take people up the hills. Ms Stace confirmed that this would go onto the Land Management meeting agenda in January.

**The meeting closed at 8.46pm.**

There followed a presentation to Mr Roger Hall-Jones to commemorate his 40 years of service as a Malvern Hills Conservator.