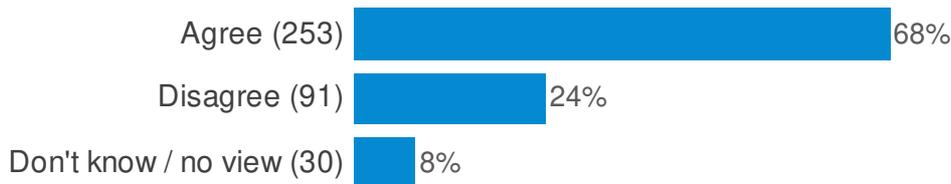


# Malvern Hills Trust consultation

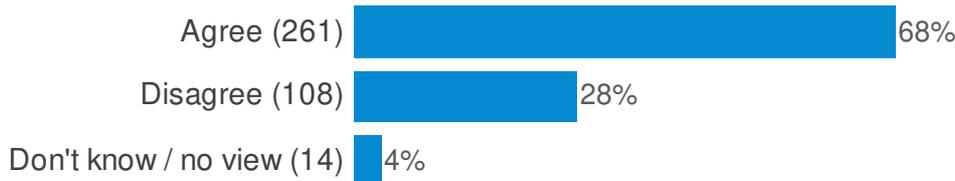
This report was generated on 21/10/19. Overall 467 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes.

## Objects (The Trust’s charitable purposes) Page 7 (The proposed objects clause effectively sums up the Trust’s existing duties)



## Objects (The Trust’s charitable purposes) Page 7 (If an unresolvable conflict arises between the two parts of the clause, conservation should take priority over public access)



### Please use the box below if you wish to comment further on our proposals to set out the Trust’s objects in a single clause

Conservators specifically set up allow public access enjoyment and exercise. Most land covered by SSSI allows sufficient protection for wildlife.

Make certain conservation is done properly, over the last few years there has been too much emphasis on preserving trees, many of which have grown in the last 20-30 years while sheep were not regularly grazing and controlling seedlings. This has resulted in a huge change in the character of the hills, especially the eastern side. The second question is impossible to answer, conflicts should be resolvable. In the event of no resolution a decision must be made on the merits of each case.

This is a weighted question in the survey. Yes the proposed object clause is yes generally reasonable. However you are ending up in a far more perspective situation than currently. A change of the acts is not necessary.

The proposed conflict between the two objects clause is ambiguous and puts power into the hands of "skillful management" and not the trustees.

Changing the objectives leaves the Trust free to ignore previous decisions

I agree that the objects to PROTECT and CONSERVE and MAINTAIN etc. This includes COMMONS as well as hills. Easements along/across commons for roads to proposed housing developments.

Reminder the Hills were closed by order of DEFRA during foot and mouth 2001.

It is essential that conservation takes priority and I am delighted that this will be explicit.

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"preserve the natural aspect" 1. Though in principle reasonable, it needs to be viewed through a TV, Netflix etc., set of eyes! Eg., Daffodils on the grassy hillside is a natural aspect to many people now, especially when the land under discussion has been moulded by human intervention since folk lived in the locality! Otherwise you risk many people alienated by what they see as an extreme view.

Conservation of some species on the Hills is greatly affected by unrestricted access - especially dogs - to protected sites eg the diminishing site for the adder on the southern hills. Lack of adequate fencing on the northern hills along with unrestricted access, including cyclists, prevents adequate grazing on the steeper slopes to maintain the important fauna and flora on these acidic grasslands eg the diminishing range and population of the Malvern Grayling butterfly, once common along the hills, is now restricted to the eastern slopes of north hill and is the rarest butterfly in Worcestershire.

It would be useful if a printable map/description of what is covered by 'The Malvern Hills' could be inserted at this stage!

One of the founding father's main objectives was to keep their land available for public access. This is mentioned many times in the Acts. Conservation isn't.

The phrasing neglects to set out that MHT is a public body in at least some of its decision making, it does not make clear the degree to which it is bound by previous decisions and the phrase does not mention the need to preserve the view from the hills of other areas of land owned by MHT which was understood as part of the term natural aspect. Given that MHT owes some strategically placed land which will come under pressure from development or pressure to grant easements to permit development this is highly relevant to how MHT should make decisions about matters affecting parcels of land against a wider setting as opposed to in isolation. The phrase lacks clarity for these areas and the different pressures and issues faced by them in comparison with the hills themselves.

As long as 'conservation' means letting the hills revert to their true natural state, i.e. allowing the trees on the lower slopes to regenerate up the hills, obviating the need for livestock to stop that happening, and the fencing to keep them in certain areas and away from dogs. If the public's ability to view the surrounding areas is a concern specific viewing points could be kept clear pretty much by humans mainly using hand-help equipment.

The proposed objects do not take account for a number of the existing duties in particular the public body duties. With regard to conflict the question is to simple and does not allow for a nuanced approach.

The proposed objects do not reflect the current public accountability.

The Herefordshire and Worcestershire Earth Heritage Trust (EHT) believes that the proposed objects reflect fairly the remit of the Malvern Hills Trust.

Changes to the Trusts' objectives, open the possibility that existing precedents may no longer apply on such crucial issues as applications for easements. Removing the term 'natural aspect' makes all previous decisions irrelevant once the scheme becomes law.

Future management of living timber species should also respect the current need for an increase in the total land area needed for CO2 absorption wherever possible.

Changes in the objectives open up the possibility that existing precedents will no longer apply. Removing the term 'natural aspect' makes all previous decisions irrelevant once the scheme becomes law.

Proposal to remove requirement for the trust to take account of local sentiment & requirements as they must act in (the best interest) The Charity

I do not think that the word "unenclosed" should be removed but be left in the (b) part of the objects clause as in the original. The essence of the commons and the hills is that they are unfenced and not enclosed, allowing freedom of access.

The proposals would give the trust independent and increased powers and erode the existing public body duties that an organisation in receipt of taxpayers money should be keen to maintain and improve.

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Malvern Hills Conservatives Are there to look after the hills and commons for Malvern residence and surrounded area

I think in times now where pollution is so much more an issue that the Trust should have objects around Noise (abatement/prevention) and Air Pollution

Unresolvable conflict is too generic and the scope of "conservation" rather all encompassing. Conservation of what to whom? When does enclosure for conservation not conflict with public access? Where the trust cannot resolve they should publicly consult with those who pay the levy. In this way those that are taxed are truly represented and consulted.

The conflict clause lacks clarity. It is ambiguous. It fails to address the issue of a road being built for a property speculator over Trust land even though the object states should be unbuilt on in exchange for a substantial amount of money.

The prioritisation of conservation can only be acceptable if time-limits are reviewed frequently, to allow flexibility of management operations and access.

Document is so long I wonder if you are really interested in views. I don't want land sold off or money to be primary purpose. Should be to care for land and ensure public access.

I object to the term 'natural aspect' being removed from the duties of the Trust. Its removal would enable the Trust to ignore precedents set by its past decisions, in particular, the granting of easements over MHT land.

Conservation of the hills and common should always take priority over public access or any commercial development.

"Landscape character" is much more appropriate than "cultural landscape".

Landscape is more natural than cultural

Removal of 'natural aspect' will remove all precedents set under the bye laws of the conservators.

This would give the MHC power to fence off / close access to land. This is not acceptable.

The need to protect the core values and environment in Malvern as originally intended

"Natural aspect" is NOT Victorian language. It is a very clear and important phrase to keep.

Q3 "Natural aspect" is NOT Victorian language. It is a very clear and important phrase to keep.

Agree in general but not in detail. E.g. looks like there's a conflict between the request for powers to build and keeping the area unbuilt upon? Health and safety maybe paramount at the moment, but food production and military training, as in the past, may become paramount again: so don't limit the public benefit that the land can be put to.

Does not guarantee the Board will try to force through the building of a road on inalienable land despite the objects specifying all of its lands are to be kept unbuilt upon for public access. Until that is addressed, most people in Malvern are unlikely to trust the Board

**Please use the box below if you wish to comment further on our proposals to set out the Trust's objects in a single clause**

The Trust's duties in the 1884 Act also include that two thirds (which includes Castlemorton Common) should be left free for the freeholders and commoners to take their common of pasture and estovers. This is reinforced in Section 27 – Saving rights of commoners. This should be taken into account under Estovers. Preserving the natural aspect is in some ways a contradiction in terms. Natural implies untouched by man, and preserving means intervention by man. However, the overall meaning is that the Trust should keep the land as it was when they took it over and that does not need altering or clarifying. Natural aspect relates to man not spoiling it with man-made structures and not allowing nature to run riot, with any particular species overgrowing and radically changing the nature of the landscape. The Trust has sought to do this in many areas by encouraging grazing and land management, and failed to do so in other areas - especially on Castlemorton Common - allowing the growth of a large number of trees towards Hancocks Lane, considerably changing the natural aspect of what was known as 'the waste' (the waste land the Lord of the Manor did want for his own use). The Trust has also had a long term policy of not allowing advertising signage and in minimising the appearance of signage for visitors. Recent suggestions for a chair lift up the hills with a café on top were also sensibly refused. I am not aware of any legal challenge to the Trust's activities in interpreting the meaning of 'preserving the natural aspect', over the 135 years it has been their responsibility. There is however, an ongoing risk that each new set of staff starts from the state of the land when they take over, and lose sight of its original natural aspect. I accept that The Trust may have some responsibility and financial burden imposed on them for the SSSI, but it is not part of the reason why the Trust was established in the first place. Until recently, the Trust was not allowed by Natural England to mow or cut bracken and gorse and trees, an example of the SSSI status preventing the Trust from carrying out its original objectives. The Trust have made the point that there is no assistance within the Acts for balancing its various duties in the event that they conflict. My objection is that they want to include a new object – to give the conservation of wildlife a priority –which is a radical change to the Trust's original objectives. The Trust was never been a wildlife or nature conservation trust and the existing Acts confer no responsibility on it for looking after animals and plants, other than grazing animals and the grass, bracken and gorse they eat. There is no mention of protecting endangered species of flora or fauna. There is no mention of wildlife, birds, insects, amphibians or rare or endangered species. Specifically, Section 21 of the 1924 sets out the limit of the Trust's responsibilities – to protect the timber and other trees pollards shrubs underwood heather gorse turf and herbage. There may be some benefit in protecting wildlife, but only is so far as it is the best way to maintain the natural aspect of the common. The Trust was not established to turn waste land into a nature reserve. The responsibility the Trust wishes to claim is already misleadingly represented in the choice of photographs in the consultation document, with pictures illustrating bluebells, orchids, butterflies and fungi, giving the impression these are things they should be caring for. By contrast, there are only two pictures of sheep and one of cattle. On page 78, again we see an attempt to make the Trust into a wildlife charity by drawing comparisons with the Wildlife Trust, Wildfowl and Wetlands Trust who purportedly have similar objectives for conserving the natural environment for wildlife. The conservation of wildlife is a totally different objective and not one for which the Trust was established. This new Act is intended to consolidate and simplify the existing Acts, and remove references that no longer apply. It was not promoted as way of giving the Trust new and additional responsibilities or purposes. There is no new money to pay for new responsibilities and existing funds should be devoted solely to the Trust's original objectives. It is noteworthy that the Trust only has a Land Management Committee, not a Wildlife Conservation Committee, reflecting its proper responsibilities. The clarity requested by the authors of the Consultation Document, is to be able come down on the side of wildlife conservation, if this conflicts with the Trust's original purposes. I see this as a few individuals wanting to take the charity in a new direction because it suits their personal interests in wildlife conservation. A different management team with a background solely in land management could instead have asked for powers to enable them to over-rule public legislation relating to Sites of Special Scientific Interest and other similar Acts, so that they could properly carry out the Trust's original objectives. This is not a matter, as the Trust suggests, of adopting a 'clearer modern meaning'. Despite the Trust's assertion that this is not intended to 'change the fundamental reasons for the Trust's existence', it clearly is. There is absolutely no need for the Trust to change its objectives in this direction. Further, each of the Acts includes the phrase that these Acts are required because 'the objects cannot be attained without the authority of Parliament'. Surely then it requires an Act of Parliament if the Trust's objectives are to be changed and the 'Charity Commission route' is not

Act of Parliament if the Trust's objectives are to be changed and the 'Charity Commission route' is not a permissible method for making such a change. Therefore any change to the existing wording should not be allowed. The first paragraph of the proposed change at the bottom of page 8 should read The objects of the Trust shall be for the benefit of the public (a) to as far as possible preserve the natural aspect of the land (b) to keep the Malvern Hills unbuilt on as a space for recreation and enjoyment of the public (c) to prevent encroachment (d) to safeguard commoners' rights. The second paragraph of the proposed change at the bottom of page 8 should read Subject to matters of health and public safety, if it appears that there is a conflict of interest between the above objectives and wider objectives of wildlife conservation, the trustees shall give priority to the above objectives. These were the original purposes of the Trust. Sandford Principle. The Trust have cited the Sandford Principle. The National Parks web site says Managing a national park is challenging. It needs the right balance between conservation and recreation. National park authorities need to conserve wildlife and habitats, but also encourage people to enjoy and learn from the countryside. This can cause conflicts. To help national park authorities make decisions between conservation and recreation, the National Parks Policy Review Committee made a recommendation in 1974, which is now known as the 'Sandford Principle', named after Lord Sandford who was chair of the committee. "Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority". This principle was updated in the 1995 Environment Act, to say; "If it appears that there is a conflict between those purposes, [the National Park Authority] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area" The Malvern Hills and Commons are not a National Park. In the Acts governing the Trust, conservation is limited to maintaining the 'natural aspect' of the area. The Trust have no responsibility to look after flora and fauna in the broader sense, they are not responsible for enhancing the area's natural beauty, nor for the wildlife, nor the cultural heritage of the area. If the National Parks were governed by the same Acts of Parliament as The Trust, Sandford may well have ruled differently. But they are not. It not appropriate to take a principle from one set of circumstances and apply it to a totally different set of circumstances.

**Please use the box below if you wish to comment further on our proposals to set out the Trust's objects in a single clause**

Q3 "Natural aspect" is NOT Victorian language. It is a very clear and important phrase to keep

Potential extreme cases: conservation could be used as an argument to permanently block all access to the hills. Would like to see some limitation on the priority along the lines of "no longer than X months" or "not unreasonably prolonged". Secondly, if the Trust now or in the future leases land to (e.g.) smallholders, I have personally seen the National Trust ratchet up the cost of such leases to the point of driving tenants out. When challenged, they have maintained that their duty is to maximise income for the charity. This may not currently be relevant, but I would like to see some provision to have regard to fairness of rents charged etc.

there needs to be an explicit statement about the protection of commoners' rights

Whilst I am in agreement with the first objective the second objective is potentially ambiguous. Is the objective to ensure there is no new building on trust land or does it mean that the objective is to maintain the area where there is currently no building (thus excluding existing buildings such as St Anne's Well) as an area for public enjoyment and recreation? I feel that both objectives are valid and should be included. (would an 'and' between 'on' and 'as' be possible). This would then make your conflict statement easier as the conflict is then not just between maintaining and protecting the character of the hills and building but between maintaining the character and public recreation which I think is a more likely conflict area.

I assume the language used is for public consultation as it may be modern language but is not sufficiently robust to avoid abuse.

Omission of 'unenclosed' is dangerous. 'Cultural landscape' is not clear whereas the existing statement of duties is clearer. 'Natural landscape' allows for the urgent action needed to rescue nature from climate change and poisons, whereas 'landscape character' could fix things as they are at present and restrict urgent work.

The proposed clause is fine as a bland summary but it is recommended that below is added. "These duties include" and then list the duties from the Malvern Hills Acts "Preserve the Natural Aspect of the Malvern Hills" etc for example as listed in the annual report. The proposed clause about resolving conflicts is rather vague compared to section 15 of the 1995 Act. More detailed explanation of how conflicts are to be resolved and levels of approval should be added.

Overall I think that the changes are sensible and logical. I would like to see more details on where the income is spent given that the trustees are all volunteers and the money involved is considerable.

I think that the two clauses a) and b) should be in the opposite order in the first para (ie open space & access before protect, conserve, maintain) to balance the potential for protect, conserve, maintain to take priority over the open space & access as in the Sandford principle

I am concerned about the minority element impacting on the majority of users. Taking things to an extreme scenario public access could be denied to vast areas of the hills, and perhaps certain public recreation could be prevented or banned if the default position is always to fall in favour of the first object.

Q2. There should be a statement that the Trust have a duty to protect commoner's rights. Q3. Strongly agree with the Sandford principle.

I like the phrase 'natural aspect'.

In case it isn't covered elsewhere I would like to see a proportion of the hills set aside as wild areas where the public are never allowed to go.

Under no circumstances should public access be denied. How dare you even consider going back to denying freedom of movement across the hills....

Conservation should only take priority over public access as long as conservation is not used as just an excuse to prevent public access. Proof must be given to show that conservation is threatened.

We live in highly populated part of Britain ( West Midlands). Access to green spaces for the general public should always take priority over trendy environmental schemes which over the long term might be beneficial or might not.

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An unintended consequence could be that at some point in the (distant) future, the Trust could decide to completely close all their land to public access.

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s3 of the 1930 Act required the Trust to keep the Malvern Hills 'unenclosed' but the proposed new Objective does not specifically include this requirement. We appreciate that the consultation later discusses the live stock control problem and proposes to address this by some perimeter enclosures. However we believe that the original 'unenclosed' requirement was and continues to be a fundamental element in the Trust's responsibilities and that any management needs for even some permanent but limited closures should be handled as a secondary and allowable exception to the Trust's Objectives. We recommend that the 'unenclosed' requirement is re-instated in the newly proposed Objective. NB. We have subsequently been told that the term 'unenclosed' in the Consultation Document is being used in its historical context of meaning 'not privatising common land' and not a modern interpretation of meaning 'not fencing or securing a piece of land'. Moreover we note that neither the terms 'unenclosed' nor 'enclosure' is defined in the Consultation Glossary. Thus we feel not only is the Consultation misleading in what we are now advised is being proposed but also that a proposed modernised Objective should use contemporary meanings of the words included.

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There is no reference to the oft-repeated responsibility for commons, the rights of the Commoners and (a new concept) the inactivity of public bodies in relation to protecting the public from the exercise or existence of commons rights.

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The objects of the MHT should also include some reference to the Malvern Hills Acts.

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Duty to protect Commoners Rights should be included in the proposed objects clause.

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The trust's objects should include a duty to positively enhance biodiversity on the hills rather than only 'preserving and protecting' the existing environment.

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Leave as it has been in the past.

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Open spaces for public is more important than conservation. Conservation will look after itself if left alone.

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I am not a Victorian but have no problem over understanding the meaning of "Natural Aspect" in the Malvern Hills Act(s): it is well-defined on Google, Wikipedia, etc, so you who use the Acts as your bible should have no problem either. When I submitted my first completed questionnaire on-line on 10th October 2019, my entry for the first question above (re the objects clause) was "Don't know" because I did not know the facts. Now that I have had time to find & read the 1930 Malvern Hills Act, and its Section 3 in particular, I note that it has not been cited in full and therefore I now "DISAGREE" with your question's statement that "The proposed objects clause effectively sums up the Trust's existing duties". The reason for my change of mind is that, for reasons best known to yourselves, you have omitted 5 key words which would ensure your duties are properly directed and contained:- "in the Malvern Hills Acts" are left out. Therefore you must change the wording of the duties listed in the 4th bullet point to "Except as in the Malvern Hills Acts otherwise provided at all times keep the Malvern Hills unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public [s 3 1930 Act]". When you have made that important 5-word addition, I will then agree that the proposed objects clause effectively sums up the Trust's existing duties but at the moment I do not agree, having carefully read the 1930 Act.

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Its too simple to say that conservation should take priority and who decides when resolution is not possible?

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A slight change: "...for the benefit of INDIVIDUALS ...(a) to protect, conserve and maintain the landscape, WOODLAND, wildlife, ANCIENT FORTS, archaeology, geology, BEAUTY and culture of the Malvern Hills and (b) to keep the Malvern Hills as an UNBUILT open space for PEOPLE'S WALKING, recreation and enjoyment." (or "for EVERYONE'S recreation, WALKING and enjoyment.")  
Notes: "beauty" - to give indication of the aesthetic value of the Hills. "ancient forts" because British Camp and Midsummer Camp are most precious survivals. "walking" - because this calm activity should be pre-eminent. "woodland" - because the wooded nature of (especially) the southern half of the Malvern range is wonderful and has been undervalued recently by Malvern Hills "ecologists". "people's" - because the phrase "the public" is patronising and dehumanising. "People's" or "everyone's" is much better. "Individuals" is also better, but not quite as good.

Protect and conserve mean the same thing, and choosing which particular historical version of the cultural landscape to protect is arbitrary and could reflect nostalgia rather than current environmental and economic needs. Further, 'cultural landscape' is a subset of 'landscape character', so in my view, using both terms isn't necessary. Therefore, I would prefer to see object (a) written as 'to conserve, enhance and restore the landscape character, habitats and wildlife, and protect the geology and archaeology of the Malvern Hills'.

Whether these objects effectively sum existing duties and whether they are entirely fit for purpose for the 21st century are perhaps different things. The words 'protect, conserve and maintain' could be taken to imply an ambition to retain things largely as they are. Does this wording fully allow for the fact that landscapes are dynamic and subject to change, especially given the implications of climate change? Compare this wording, for example, with recently proposed purposes for 'National Landscapes' to 'recover, conserve and enhance natural beauty, biodiversity and natural capital and cultural heritage.' Definitions and terms are difficult but is there any merit in considering a closer tie up of objects with those of the AONB, e.g. through reference to natural beauty. We can understand why wildlife is used as a more understandable term but this does not seem to encompass important and dynamic concepts like ecosystems which are perhaps better embraced by the term biodiversity..

The Town Council agrees broadly speaking but not at the cost of keeping people away from the hills, therefore it is wished that the status quo is maintained.

"Natural Aspect" is perfectly understood by me, and is what we want in the Malvern Hills

Does not take S 10 of 1884 act to keep hills unenclosed at all times into consideration Not enough about protection of common rights. Might lead to areas being closed off and becoming too overgrown.

Changing the Trust's objectives by rewording them in this way opens up the possibility that in future the board will be able to make decisions which are inconsistent with precedents already set, justifying their action on the basis that the Trust's objects have changed; thus one action of the proposed change can be to circumvent the board's present obligation under public law to make consistent decisions. The term "Natural Aspect" is perfectly clear even in the 21st century and there is no need to change it. As the trust say that the proposed words in the proposed clause "encapsulate" the original term Natural Aspect there is no detriment to the scheme if the original term is retained. Once the public become aware that the Trust has wiped the slate clean by redefining their objectives, the Trusts reputation will be damaged severely.

There is a complete lack of statement regarding the protection of the RIGHTS of Common by those who hold them. The Trust must actively support the Commoners.

The objects clause needs to be widened to include the aim of taking opportunities to gain ownership of adjoining land that would enhance the public enjoyment of the Malvern Hills or assist in the work of the Trust.

Too abiguous

Public access prioritise

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The reference to 'Malvern Hills' seems vague and does not appear to include the wider range of land under the Trust's stewardship, in particular areas where the Trust holds responsibility for easements that could easily facilitate developments that would undermine the essential character of the landscape. This is not a theoretical issue, as evidenced by the Jackpit Lane case earlier in 2019 where the Trust's actions were inconsistent with their brief, and were instead driven by commercial concerns.

Too wide a power. Could use this as an excuse to build a road over Trust land

One of the principal objects of the 1884 Act was to protect those with rights of the common. Although this now affects very few people, that protection should still be a primary objective - not an afterthought. (s 27 1885 Act) The second part of question 2 depends on one's definition of "conservation", for example, I would strongly object if the public were to be banned from certain areas at certain times of year for the benefit of ground nesting birds. These birds were much more common on the northern hills at a time when at least 8 or 9 people in West Malvern, each with their own dog, kept a few sheep on the hills; this was in addition to those sheep from Croft and Birches farms.

Needs to define more clearly the extent of the landscape under the Trust's control. The attitude and motives of the Board with regard to issues such as easement are deeply suspect, as evidenced by their proposals for Jackpit Lane and their haste to introduce a new policy ahead of the completion of this Consultation.

Point 1 - everything the trust does it must act in the overriding best interests of the charity. This is completely at odds with the purpose of the conservators, there to uphold the acts of parliament. The trust must ensure the acts are upheld and not allow the "best interests of the charity" to take precedent.

I object to the words "Natural Aspect" being removed from the duties of the Conservators. s21 of the 1924 Act is still relevant and cannot be removed simply because somebody has deemed it to be "Victorian language".

The objectives have been changed in a way that leaves the Trust free to ignore previous decisions. The removal of the words "Natural Aspect" is unnecessary and cannot be simply dismissed as "Victorian language".

One object is certainly missing, namely '(c) to ensure that the enjoyment (of the Hills and Commons) by the majority is not prejudiced by the activities of a minority', and one should be added, - '(d) to promote the benefits that the Hills and Commons bring to the public at large'. The Sandford Principle as articulated in the consultation document, though desirable in a directional sense, is too black and white, and can be used mischievously to cause disruption. I suggest inclusion of the word 'generally' between 'should' and 'take priority'.

The legislation under which the Trust currently operates may seem archaic and difficult to define but that in itself creates a semantic protection which is not improved by the suggested single clause

I absolutely concur that the objects need to be brought into modern language and that the Sandford principle for resolving conflict is appropriate.

We agree that the proposed wording represents a better way of expressing the objects. We support the use of the Sandford principle in resolving conflicts between conservation and recreation

The term 'Natural aspect' is very clear in terms of specifying exactly what the Conservators should be concerning themselves with. Changes in the objectives open up the possibility that existing precedents will no longer apply on such issues as the numerous applications for easements in the vicinity of the Guarlford Road and Chance Lane. Dropping the term 'Natural aspect' makes all previous decisions irrelevant once the scheme becomes law. The two parts of the clause on p.8 make no specific reference to public access. The clauses could be exploited to justify taking developer money for an easement in order to use the funds ' .....a) to protect, conserve and maintain the landscape character, habitats .....etc' To be able to sell off land such that the proceeds can be regarded as income and then used to purchase other land is an outrageous suggestion.

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Having seen the current wording of the objects, there is undeniably a need to replace it with more modern language and terminology which can be readily understood.

Public access and conservation of the Malvern Hills and common lands must have equal standing. Restrictions to access should be for the interests of public safety, restoration of damaged areas and small areas to protect endangered species of wildlife indigenous to the Malvern Hills. Newly planted trees, restored turf etc. should also be protected for as long as is required for their establishment.

Only in absolutely exceptional circumstances should not be kept open and for a minimum amount of time

Part 4 of 2011 Charities Act sets out that a Charity must act in the Public Interest at all times. This Statute is enshrined in Public Law as well as Charity Law and Malvern Hills Conservators are simply trading as Malvern Hills Trustees and are at all times a Public Body. Natural Aspect is a wonderful highly descriptive terminology that fits well when consideration of the Malvern Hills is required. The Malvern Hills area is unique in its own right. The wording can therefore be to "preserve, conserve and maintain the natural aspect of the cultural landscape and landscape area that currently exists, but taking into account that occasionally minor changes are necessary such as small scale development". I see no benefit in removing words that are clearly defined in dictionaries and in summary natural aspect means what meets ones' eye. The Malvern Hills area has many different natural aspects to it. As long as major developments are not allowed to disturb this then continuing to use this definition is highly appropriate and suitable. It is important that the Public can have their own perception of the Malvern Area I do not dispute that different definitions are used for "Planning" but a much wider area and concept must be considered in this particular matter. I recognise that some of the words in the Malvern Hills Act 1884 to 1995 may be perceived as outdated. However the draughtsmen of those Parliamentary Acts were more than very able and qualified and the wording would have been extremely carefully drafted to reflect Malvern as it was then and it is important to note that the last Act of 1995 is relatively modern.

All dealings should be put forward to the public for scrutiny and approval before any decisions are made. The objects clause is not clear. The public should have access to Common Land at all times even if personal safety is involved. Your own personal safety is a personal choice such as paragliding and swimming in the Gullet Quarry.

Changes to the objectives of the Trust /Conservancy/ need testing in a Court. Terms such as "conservation" need definition in any new Private Act. Modern understanding of this word is often limited and used in a debased sense to commodify public assets. This limited interpretation is often referred to disparagingly as "the Heritage Industry". Allowing point two above, without careful legal definition is open to such limited interpretation. Therefore I disagree, as I do not wish to see commodification of the assets of the Hills. "Conservation" should be applied in its widest sense of preserving that which is good, as tested by time and differing viewpoints. Changes to the objectives must not legally allow Trustees to ignore previous decisions, made, in good faith. Any changes should distinguish between Trustees' // Conservators' // DUTIES and their CHARITABLE PURPOSES, in order to keep to the spirit of the original acts as expressed by the Crown toward the public and commoners of the Malvern area. Current trustees must pass on these duties in law to future generations.

Trust's objectives must be to respect common as it is; to veto quarrying and development; to have elections for ALL trustee members who should not have vested interests and to ensure that all meetings are open to the public.

Don't understand the second part of Q2. If the Trust is to be asked to grant new Wayleaves for development that needs access across a strip of land owned by the Trust I would hope trustees would use their decision to protect the rural nature of the area and not to support more urbanisation close to areas where the trust owns lands.

**Please use the box below if you wish to comment further on our proposals to set out the Trust's objects in a single clause**

The Malvern Hills landscape etc is, as the consultation document states, the product of natural non-human evolution combined with human activity to date, such as extensive grazing and quarrying. I am personally uneasy at limiting the objects to simply conserving what happens to be there now, ie implicitly freezing the existing state of combined natural and human development. The objects as stated do not explicitly take into account the impact of future natural changes, such as climate change and the evolution of species. They also effectively freeze productive human activity to perpetuating extensive livestock grazing which could be a very expensive and non-tenable activity in the future, and they would probably also restrict consideration of any re-wilding or similar possible ecological initiatives. I therefore believe the objects should be recast so as to clearly recognise that some change in the nature of the Malvern Hills is inevitable and that embracing this change should be within the MHT's remit, consistent with maximising relevant diversity of sustainable habitats, species, and geological features. I strongly agree that conservation should take priority over public access

Currently an object of MHT is at all times so far as possible to preserve the natural aspect of the Hills under MHT's jurisdiction. That is not an out of date Victorian expression without meaning. It very aptly describes a core purpose of MHT and implies that generally there should be a lack of man-made structures such that the way the Hills look both from below and from the top of the Hills is not compromised by eg urban sprawl. Too many cases of urban sprawl in close proximity to the Hills have been authorised in the past (eg Fruitlands) which have materially affected the natural aspect of our lovely Hills. We are fundamentally opposed to the deletion of the reference to preservation of the natural aspect of the Hills which would alter the objects of MHT in such a way that Parliamentary approval thereto would surely be needed. The suggested replacement text would seem to be capable of all sorts of different meanings. .

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It needs to be made absolutely clear that in the event of any query between the Board's status as a registered charity and its duty to conserve the Malvern Hills in every respect, its conservation duties must take precedence. Its heritage is not for sale even if the price to be realised might have benefit for the Board as an organisation, unless, possibly, faced with an existential threat. If a conflict cannot be resolved then restoring the Conservators to their pre-charitable registration status should be effected.

the introduction of health and safety assessment is not needed the proposal should simply reflect the Sandford Principle also the definition of conservation is too widely drawn. o protect a butterfly could result in closure of a large area

Proposed new Objects clause a) to replace 'wildlife' with 'flora and fauna' (as 'wildlife' does not cover flora - eg orchids)

Although I broadly agree with the proposed objects of the trust I do not feel that the "keep the Malvern Hills unbuilt on" phrase belongs in objective b). I would prefer to see this incorporated into object a) effectively giving it the highest priority if and when conflict arises during decision making.

This is not a black and white issue and the Trust needs to provide for both - conservation and access

**Please use the box below if you wish to comment further on our proposals to set out the Trust's objects in a single clause**

For Q2, I responded 'don't know' as I am concerned about the phrase 'unbuilt on as open space for recreation and enjoyment of the public..' in object b. I understand this phrase comes from the original objects. However, if object a takes precedence over object b if the two are unreconcilable, then doesn't this mean that if, in order to 'protect, conserve and maintain the landscape character, habitats, wildlife, geology, archaeology and cultural landscape of the Malvern Hills', it could be argued that some building works are required in order to support this, object b to preclude building on the Hills is as a result undermined?

A need for more clarification on the trusts objectives regarding commoners rights , securing common as Shady Bank Common doesnt need securing as mentioned in document .The Kings Third is of major concern to myself and several land owners as the privately owned farmland are outlined on the map and the trust mentions jurisdiction over this land .

The 5 acts do define the roles of the Conservators, and should not be repealed and consolidated. Sure, there are clauses which are no longer relevant, this should obvious and are not beyond the wit of an intelligent administrator to create a working document which overlays and redacts the relevant clauses. Organisations like the National Trust and Epping Forest have no problem in interpreting terms like 'Natural aspect', and if the Conservators struggle with this then perhaps they should contact those organisations and see how they work. 'Modernisation' is not a motive in itself, and will just leave another legacy to re-interpret in future years. The organisation should invest time and effort into making clear its objects, its measures (what good looks like) and what its future issues may be. For example, I got the distinct impression from the roadshows that many people had closed minds as to their scope and some items were seen as not within your remit: but you could put it in the Bill if you wanted! There are lessons to be learned from AONB legislation and it would not be unreasonable to adopt some of the AONB powers. AONBs were developed out of the history of historic legislation that saw MHC formed. Should the MHC have fewer powers than an AONB? There are broader matters that an AONB can consider - such as the economic vibrancy or environment of the broader area. Without those considerations then MHC is stymied and short-sighted and its objectives do not promote the wildlife and human stakeholders of the hills and environs. Again, the MHC could agitate for quieter road re-surfacing to leave the Hills more tranquil. And how can the Hills be maintained to best contribute to mitigate climate change?

Conservation should be the priority. Balancing the two objectives should be the central aim of the Trust, although it does raise questions as to what constitutes the natural environment. A medium term objective for the Trust should be to consider the impact of climate change and the role rewilding and other approaches to land management might play in the effective management of the Hills.

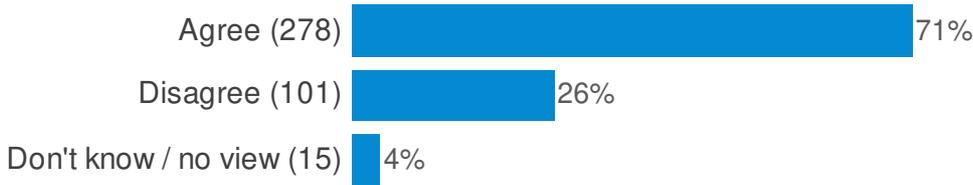
I disagree with the wording of the proposed clause as the term Malvern Hills does not encompass all of the trust's responsibilities. This term would imply just the hills themselves not the other commons and lands that fall into their governance. Should there not be reference to the words ' and commons'

Whilst agreeing with the above it nevertheless causes concern that any decisions that the board have made in the past under the present laws/ legislation could in the future be completely disregarded by board members in the future under the new wording that you propose and in so doing dismiss the very valid reasoning upon which those decisions were based.

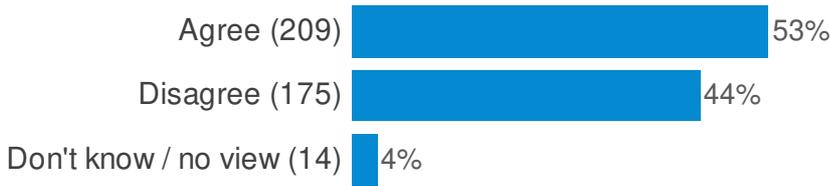
Q2. There needs to be some object about managing resources (money, people, IT, ) effectively in pursuit of the other objectives, particularly as residents of certain parishes and town councils pay a compulsory levy. I am still not convinced that a charity has the power to levy a charge, and remain a charity. When delivering services, I think this takes you into the area of trading which is complicated in charity law and therefore requires thinking again if the charity is not to fall foul of limits on trading, the need to set up a trading subsidiary, and taxation implications .

suggest phrase enjoyment should be retained alongside recreation. Concern over conservation being used as a mechanism to prevent public access to water from the wells.

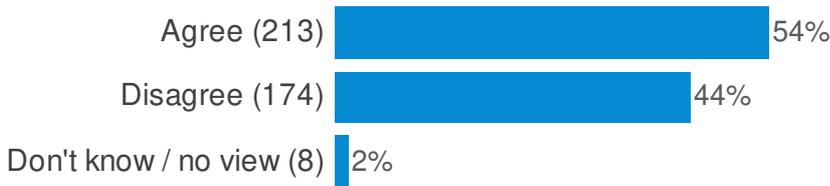
**New arrangements for appointment of the Board - Page 10  
(The size of the Board should be reduced)**



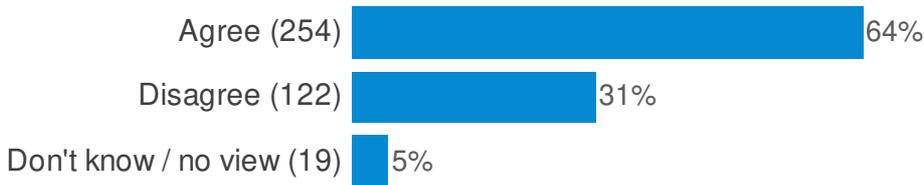
**New arrangements for appointment of the Board - Page 10  
(There should be a maximum of 12 trustees)**



**New arrangements for appointment of the Board - Page 10  
(Half the Board should be elected and half selected for their skills and experience)**

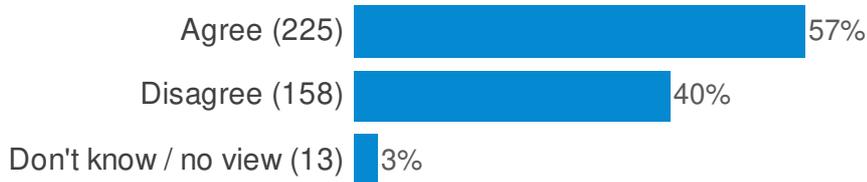


**New arrangements for appointment of the Board - Page 10  
(Board members selected for their skills and experience should be nominated by an independent body)**



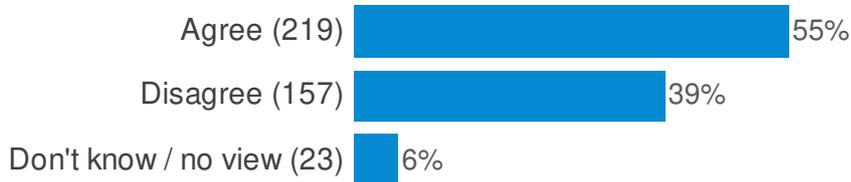
**New arrangements for appointment of the Board - Page 10**

**(Given that elected trustees are required to serve the best interests of the charity rather than represent an area, combining the electoral areas is a fair way to overcome the current problem of inequalities in the size of the electorates)**



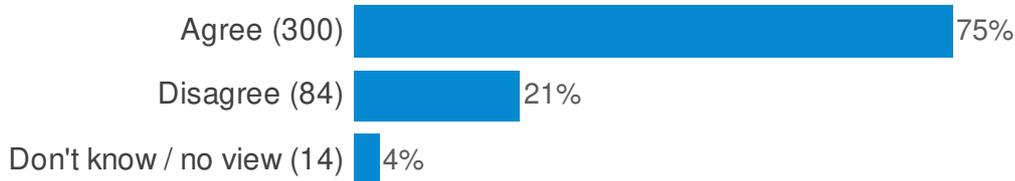
**New arrangements for appointment of the Board - Page 10**

**(Candidates from the wider Malvern area should be able to stand for election to the Board)**



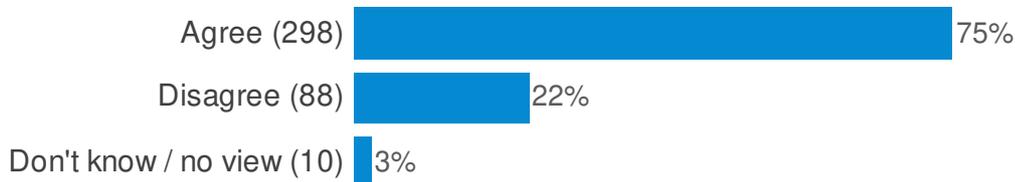
**New arrangements for appointment of the Board - Page 10**

**(The Board should be able to remove a trustee by special majority for any good reason, such as gross misconduct or long term ill health)**

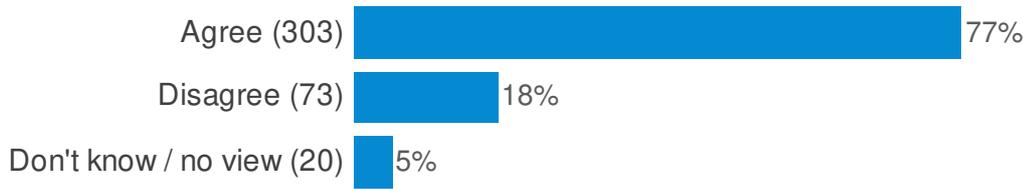


**New arrangements for appointment of the Board - Page 10**

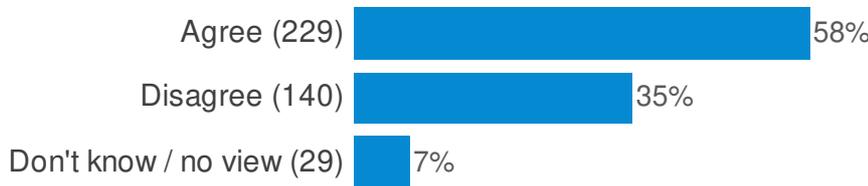
**(The Trust should be able to conduct elections by post (with the option to vote online))**



**New arrangements for appointment of the Board - Page 10  
(Trustees should retire by rotation, rather than all at once, to ensure some continuity of Board membership)**



**New arrangements for appointment of the Board - Page 10  
(When an interim vacancy is created by the departure of an elected trustee, that vacancy should be temporarily filled until the next scheduled election by a candidate put forward by the Independent Nomination Panel )**



**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

I have reservations about the proposed independent body. Other charities' trustees are elected by their members. It is to be hoped that the MHT can build a sufficiently strong membership to enable this in the future. .

Purpose is to simplify election and reduce size. Add complication of appointment board and its control is making it complicated. Simply have elected as now (cut Colwal to one), and allow parishes with MHT land to appoint their trustee. We do not have Parliament with special expertise, and whwn expertise available not used ( )

I'd prefer to see a smaller number of elected trustees, perhaps a maximum of 4, since in my view having trustees who are appropriately experienced in the complete range of necessary skills is most important in serving the best interests of the charity. Whilst agreeing that board members should be selected for their skills and experience by an independent body, will there be guidelines for this? E.g. how will the INP judge there to be sufficient representation of skills, and how will they ensure coverage across all areas? Should more members have land management skills than some of the other skills, given this is the main aim of the Trust? Might it be possible to have either conditions or guidance on the skills that the INP members should possess as a whole, to ensure there are no skills gaps?

All 12 members of the Board of Conservators should be elected.

Retiring by rotation is an excellent and essential suggestion

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

The consultation constantly refers to the Charity Governance Code, the Malvern Hills Trust is not a "normal" charity it is largely funded by compulsory levy raised from the residents of the Malvern Area. The residents deserve to retain the right to elect representatives to look after their interests and those of their areas. Members with specialist skills are required, but the majority should be locally elected. This means that the board will need to be greater than 12 members. Reading the document it seems that the "optimal size" is 7, as appointees with special skills will be required any board of this size would have little or no locally elected representatives. If an elected member leaves the board they should be replaced by an elected member, postal and online elections would make this perfectly feasible.

I am a past elected board member (approx 2000 to 2008). First things first the MHC has been a conservation organisation funded by local precept far longer than it has been a charity. My understand is that was only registered as a charity in the 1970 to gain some grant benefits. The thrust of the proposed changes are to shift the organisation towards fund raising and membership bases a charity rather than an organisation founded in the local community and primarily funded by the local community. The size of the Board should be reduced: In my years on the board I never felts that decision were not made in a timely way or we didn't draw appropriately on the expertise of the officers. The 28 also ensured a slow pace of change that protects the Malvern Hills from latest fads and tin pot ideas. (i.e funicular railways), it also protects against single issue activist who would seek to highjack the organisation to progress certain agenda's. Half the Board should be elected and half selected for their skills and experience: the 28 boards members in my experience had considerable experience in a number of fields. Beyond that the officers and staff as superb and provide sound advice. serve the best interests of the charity rather than represent an area: What happens to the precept. The charity status is the secondary construct. the board members work within the act of parliament and should represent the people who pay for the organisation. (or hwo have provided the land managed by the organisation). Candidates from the wider Malvern area should be able to stand for election to the Board: do you propose to extend the precept. able to remove a trustee : with 28 this isn't a problem continuity of Board membership: with 28 this isn't a problem, the direct elections and the nominated members changed at different times, there was at least 50% continuity in my experience. The cost of the last change to the act of parliament was huge and you are subject to the will of the house of commons - what ever you might want. The existing board structure might be a little odd but so is the game of cricket but they both work - so why change.

local representation is very important you could up with 6 elected members from miles away from our location

The small number of elected trustees does not allow for the precept payers to be fairly represented or heard. The idea of skilled trustees that possibly come from outside the area and have voting power over the elected trustees is not within the original acts understanding and wrong. These trustees could be placed on the board with the sole purpose of voting in favour of a particular proposal.

As I read it, there would be Malvern-wide elections every 2 years for the elected part of the Board. this seems pretty frequent. and could lead to voter apathy. Postal or e-voting would help though. Elected reps could serve a period of 6 years, resulting in an election every 3 years, but that would probably mean they could serve only one term,. So I agree with your proposal.

There should always be more elected members than appointed ones. This will ensure that the interests of the local people are served. Appointees are not answerable to the people of Malvern in the same way.

These proposals totally ignores the fact that some residents have no option but to pay the mandatory precept and how the "best interests" are served means trustees (and no one else) should decide what best enables the charity to carry out its purposes (The essential trustee, Charity Commission 2018). If someone, for whatever reason, does not pay the precept, they should not be allowed to dictate to those who are forced to pay the precept. Likewise combining electoral areas breaks the link between those who finance the MHC and those who interpret the objectives.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

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Finding agreement amongst 12 people can still be a challenge. Perhaps the Board could be even smaller, maybe a maximum of 10?

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The proposal that Trustees will be unable to represent those who elected them is contrary to the established status of the Trust being a Public body. Also the changes will make the Trust less accountable to precept payers which is undemocratic. Appointing people to the board who can live anywhere in the country, making decisions to spend the money of precept payers which will impact on the area we live in, but not theirs, is unreasonable. There are dangers in allowing Trustees to 'gang up' on another Trustee.

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I think it is a disgrace that the "Trust" wants to reduce the number of our representatives. This will leave power to the few - often people who have little interest. Having seen the way they operated over the Guarlford Road easement proves we must have MORE not less elected members.

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Good idea to have INP. I am concerned that those outside the levy area who do not pay for the Hills should have the same opportunities to be elected. There needs to be a grievance procedure in place to remove a trustee otherwise accusations of a kangaroo court. Just concerned whether enough people will come forward. MTC have had to co opt.

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Defining the wider area as only extending 1 mile outside the boundaries seems rather too restrictive. 5 miles might be more appropriate. I appreciated the careful discussion of the options for the appointment of the board, and agree with the solution proposed.

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I understand why the anomaly of the levy has not been addressed, but that is what has caused the difficulties of board membership and representation. The Trust is unusual in having some of its income raised in this way. This differentiates it from the other charities mentioned in the consultation document.

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The Trust should have a higher proportion of elected members than those nominated by other agencies.

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I think reduction to 12 from 29 is too drastic. I think that the proportion of elected to selected members of the board should not be equal. The levy payers should have a small majority. I think it would be appropriate to even out the election areas for fairer representation. I do not think that town, district and county councils should have more than one board member each. Since it is not stated how the independent body would be chosen it is difficult to comment other than to say I hope that bias would not be involved. I do not think that candidates from a 'wider Malvern area' should be able to stand - otherwise, why are they not paying the levy like the rest of us?

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We consider a board of 15 or 17 members would be more representative, with 7 or 8 being elected by the precept-paying residents.

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There may be a need for a mechanism to ensure that there is representation from all the geographical areas. This should not be on the current allocation by Wards. Could there be a provision for trustees to co-opt a member if this is deemed necessary to ensure that there is reasonable geographical representation? Possibly 5 (rather than 6) trustees could be elected from a single list. This would leave scope for co-option of an additional "geographical" member if necessary, without exceeding the maximum of 12 trustees. The co-option of a "geographical" member would be entirely at the discretion of the elected and nominated members of the Board. 6 of the Board members would be selected for their skills, as recommended.

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All the Board should be elected for their skills surely

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**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

Answering these questions is not helped by careless drafting, some contain more than one point and the sub-questions are not numbered! MHT is largely funded by public money and the fundamental principle of all trustees being elected should not be removed. The board does need to be reduced in size as the quality of some decision making is dismal but this should not be at the cost of transparency and public accountability at the ballot box. If there are to be co-opted members then they should be in the minority on the board and in each committee and any executive board. There should be no blurring of the boundaries between elected and non elected trustees as is envisaged by the final sub question. Enlarging electoral areas is unacceptable and appears to be an unhappy side effect of a scheme which seeks to shift accountability of trustees to local residents affected by their decisions to an under resourced charities commission. Whilst this may work for charities which are funded by voluntary donations it is not acceptable for a charity funded mainly by a compulsory precept. The issue of conflict of elected trustees and those co-opted by local government is exaggerated and misunderstood by MHT - rules which operate in local government should be applied to MHT as the comparison is much closer than to a typical charity. All elected trustees should be re-elected at the same time and no decisions taken during the period of the election - it works in local and national government and is a more appropriate model and more accountable. MHT should be able to conduct elections only in the same way that local government can so long as all the same safeguards and penalties are in place to prevent fraud. Ultimately if MHT is short of good quality trustee members it needs to ask itself why that is and change its approach to engaging with local residents many of whom have much to offer. It's very public performance on high profile decisions (St Ann's well and the Chance Lane easement) has been very poor with a lack of understanding as to its real legal status and the need to be transparent. This scheme seems intent on moving the power to the hands of a small number of trustee members who may not be elected and may not meet in public when making decisions about public money. This is the opposite direction to which MHT should be moving. Trustees should only be able to remove other trustees in very limited, extreme and defined circumstances to prevent abuse.

Wider area and Post is too open to abuse - vested interests and not locals with an understanding and appreciation of the Hills and Commons

The proposal would not allow diversity on the Board which would be controlled by an 'independent' panel selected by the Board. An effective way of ensuring there are no dissenting views from the few controlling Board members. Completely unacceptable.

All should be elected.

I think it important that all trustees should be elected to gain local support ...those nominated, by way of supporting info. provided will show their skills and experience.

The proposed arrangements are more suited to a business rather than a public body that the Malvern Hills trust is.

The representatives of the precept payers would be legally obliged to act in the interests of the Charity and not take account of the local interests however strongly they were held by a significant proportion of precept payers. Also local interest is watered down through the "list" system.strongly held by Much of the vocabulary in this section is wishy washy, e.g. "the simpler option of creating a smaller board was "felt" to be a better approach. There is "general" agreement.... We "think" it more important.. There are no examples of how past decisions and operations have been hindered by the current arrangements.

EHT agrees that the MHT Board should function effectively and that the measures proposed are a step in the right direction, as long as appropriate expertise is maintained at Board level. For nominated members: it is appreciated that considerable scientific expertise resides with MHT staff; however, it is highly desirable that at least one independent trustee is scientifically-savvy, not least in geological matters. EHT would be happy to contribute here.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

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More than half the Board should be elected. The proposed changes will make the Trust less accountable to Precept Payers, which is an UNDEMOCRATIC move. It is vital that the members of the Board are representative of a particular area and are prepared to take a personal interest in that area. Only local people are likely to have an in .depth knowledge and an interest in local affairs. Trustees should still be elected for specific areas.

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Whilst there is some merit in reducing the number of Trustees, the number of elected Trustees should outweigh the unelected ones. The proposed changes make the Trust less accountable to Precept payers and yet Precept payers will have no choice, but to pay the levy. Any Trustees should live in Malvern and have a vested interest in the area. It is not acceptable that people can be Trustees who do not live or understand Malvern. Removing the representation of elected Trustees for particular Wards of Malvern makes the Trust less accountable to Precept payers and is an undemocratic move.

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The board should be only made up of Malvern council tax payers as we fund the trust or the up coming charity .Which in my life you choose your charity donation its not taken without out asking,

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The resulting board could be completely comprised of individuals that do not live in the area and allow them to wield increased powers purely in the interest of the charity. This is taxation without representation.

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The initial independent body should be time limited to enable "independent" members to be selected and take over within say 12 months

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The drive for modern trust and charity commission guidelines is understood but lacks applicability to some of the evident special purposes for which the Malvern Hills Conservators were formed. It should also be borne in mind that there are some concerns about the practices of the wider charity sector and, indeed, the charity commissions own governance. The model of significant board/trustee reduction endangers the representation of those who are paying the levy for the area. To disenfranchise below the consolidation to 20 members raises clear questions. The impact of a quorum of 7 would be disproportionate and unrepresentative so the option of a quorum of 11 from 20 seems the more acceptable solution. The charity is the Malvern hills which is an area which pays a levy and the statement that the best interests of the charity are the driver rather than representing an area is a worrying confusion of purpose and in direct conflict to the objects proposed. A charity is a means, not an end. If people outside the levy paying area wish to participate they become eligible by paying the levy, if those who do pay it agree? There is no clarity on how any arising temporary post is filled and the selection governed.

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These proposals just dilute local representation. Only public bodies should receive a precept and the Trust should never have been allowed to register as a charity. This is taxation without representation.

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The proposals have not been justified at any point in the documentation and could easily lead to a direction of travel at odds with local sentiment.

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In order to increase the number of voters the elections need more publicity i.e. residents should be notified of elections by post and email. The present size of the board should not be reduced!

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**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

This consultation is worrying. Anyone can answer it and their answers can then be used to justify actions that are detrimental to the people who have no option but to pay the precept. To allow both elected and unelected trustees to live outside the precept areas is wrong. It will mean that people who do not have to pay the precept dictating what should happen to the Hills and how much the precept payers must pay. In addition the consultation document is deeply flawed. Proposed actions are justified by reference to the Charity Governance Code, "Best Practice" and the duty of a trustee to the Charity alone. The Charity Governance Code has no legal or regulatory authority (as it admits on page 1). There is no mention of "Best Practice" anywhere in the Charities Act or the Charity Commission regulations or even the Charity Governance Code - and none in management theory or practice. It is simply a politician's empty slogan. The reference to a trustee's duties in the Consultation document is, at best, disingenuous. The duty is not set in tablets of stone. Here is what the Charity Commission says "what you and your co-trustees [and no one else] decide will best enable the charity to carry out its purposes". "In the (best) interests of the charity means in the (best) interests of carrying out the charity's objects, both now and in the future. It does not mean the interests of the charity as an entity in itself (charities do not exist in order to perpetuate themselves)." As a result of these failings there are multiple examples of a proposal being justified on these three false premises. Here's just one. The consultation document uses the Charity Governance Code to justify not having an "elected or almost entirely elected Board" on the basis that that proposal would be "unable to conform with the Charity Governance Code". That is a false statement: (a) the Code has no authority whatsoever. The law and the Charity Commission regulations are the only authority; (b) the Code makes no mention whatsoever of the make up of the Board.

No real evidence of difficulty in decision making has been presented. A smaller Board means fewer insights are available.

No taxation without representation. Trustees should have regard to views of those paying the Bill's.

It is reasonable that the Board contains some non-elected experts, but vital that it contains a majority of local people who have the best interests of the whole area at heart. These people must be accountable (ie: elected by the local residents [who of course also pay the precept]). I disagree with the concept that board members simply represent 'the charity' rather than represent an area as the two are synonymous; the good of the local area, the life of its residents, and the good of the Hills and Commons are completely interlinked. I disagree with the proposition that the size of the board be reduced. Small boards can easily become 'cliques', that offer too much power to the executive.

MHC is an unusual hybrid in that Council Tax payers are obliged to contribute to it while in essence it is a charitable trust, which is acknowledged by its new title as the 'Malvern Hills Trust'. This is a recognition that MHC's principal obligation is to comply with charitable law; it therefore follows that Board members should be appointed principally in accordance with what they are able to contribute to the Board. On the other hand, there can be 'no taxation without representation' from which it follows that some members must be elected. That number should be smaller than the selected members to reflect the fact that the Board's primary responsibility is to comply with charitable law and not to reflect the views of its electorate. I was elected to the Board in 2011 and my experience was that its size was a serious obstacle to constructive debate and decision making. I think a Board of seven members (four selected and three elected) would be perfectly adequate but that the Board should comprise an odd number of members to ensure a majority and that selected members should exceed elected members. In order to compensate for what may be perceived as a lack of power allotted to elected members I think it is reasonable to impose a requirement that candidates for election should be restricted to those paying the MHC levy.

All Trustees should be elected or from nominated organisations - as per National Trust.

a) The size of the Board should not be reduced; b) What is meant by "the wider Malvern area"? How wide? c) Better publicity for the Trust elections, please.

The levy is a mandatory tax and as tax payers we should be adequately represented on the board by at least 9 members to 6 appointed.

Levy payers should have more members appointed.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

Board should be uneven number of members

The appointment of trustees from outside the area will make them less accountable to precept payers.

Trustees from outside the area will have no accountability to precept payers.

It should be possible to co-opt people who have special skills or expertise that is relevant to particular issues for the duration of the particular requirement. They should not have any voting rights. There should be 14 trustees and all should be elected. Any replacement for a vacancy should be filled by election within 12 months.

This is turning it more into a private company than a land management charity giving more power to less people. Election is key.

As well as being required to act in the best interests of the charity, I support the concept that trustees should also act where possible according to their own best judgment, rather than being obliged to follow a mandate from their electorate as delegates.

Max 12 if not fewer, 9 would be seen a good governance in the C21st. The numbers must reduce to make the Trust a workable and modern charity delivering for the Hills.

Even 12 members may be too many. 9 would be better

I do not agree with the way that part 5 of this question is phrased. Why is 'Trustee' (a technical term for a Charity) being used rather than 'Conservator' or 'Board Member'? MHT is only the working name of the Malvern Hills Conservators.

Q5 I do not agree with the way that part 5 of this question is phrased. Why is 'Trustee' (a technical term for a Charity) being used rather than 'Conservator' or 'Board Member'? MHT is only the working name of the Malvern Hills Conservators.

The terms of reference of the INP should be broadly drawn to encourage their consideration of redressing electoral inequalities and to include local knowledge and diversity as significant factors as well as particular technical skills and knowledge.

All Trustees should be elected or from organisations nominated - as per National Trust

In answer to my 'disagreements': better to have an odd, rather than even number for a maximum of trustee, to avoid controversy over chair's casting vote. The presumption of the second 'disagreement' is my greatest puzzlement and would love to know how this can be sanctioned: every organization (police, fire brigade, local government, central government) that has a non-elective tax raising power, has representatives of those tax payers on its governing body. Think 1689 and the Bill of Rights - no taxation without representation. Whatever legislation/convention that allows this would be a boon to any body that receives its revenues from direct taxation, and so cut the overheads of democracy. This is not hostile point, but a request to know how this can be proposed because it would be most useful elsewhere.

The trouble with the Trust is they forget they are a statutory tax-raising body. Like even the smallest parish council, that has to involve board members being fully elected and who pay the precept; and who are elected by people who pay the precept. Nowhere in the Charities Act not Charity Commission guidance does it say that Board members should have functional skills. Even if it did, the staff already have those skills. As for being able to remove a member, as expressed in the consultation document, this is open-ended. As such it allows trustees to gang up on a trustee they do not like.

Due to the nature of the monies raised i.e. a levy on the council tax that cannot be avoided by those living within the Trust's area of influence then those households that are paying for the Malvern Hills must have a democratic right to elect board members. there needs to be more publicity when an election is being held, as at present a poll card is often all that is seen. Postal voting under the electrical commission rules is acceptable, however online voting is not currently available under the electoral commission and cannot be used until this changes. The charity commission aspect of Trust should not supersede the fact that your money comes from the rate payers of Malvern

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The number of elected trustees should be higher than those selected for their skills and experience e.g. 9:6 rather than 6:6 Candidates should only be eligible for election if they are precept payers. If they are not, they can apply to be appointed based on their skills and experience.

If the Independent Selection Panel is to be truly independent – that is to say, independent from the managers of the Trust, then certain restrictions need to apply to its membership. No member of the Trust staff should be a member, even in a non-voting capacity. Whilst there would be no objection to Trust staff (and that includes the CEO) attending ISP meetings as members of the public (providing members of the public also can attend), they most certainly should not be allowed to speak or vote. If it is a closed meeting, then it must be closed to the CEO and other members of the staff as well. The ISP will need a Secretary and that should not be a member of the Trust staff – that would create a conflict of interest and would be an intrusion into the ISP's independence. The ISP should appoint an independent Secretary on a voluntary or paid basis. Independence is also required from people who benefit financially from their relationship with the Trust. This means excluding anyone who personally, or is employed or associated with, an organisation that has benefitted financially from their/its association with the Trust, say in the last 2 years. This would exclude, for example, their Solicitors, Land Agents, Consultants, Suppliers and those graziers receiving higher level stewardship awards and present and former employees. Independence also means that the members of the ISP should be independent of each other. They should not have been in any financially beneficial arrangement with each other as described above. Further still, they should not have worked together or have any vested interests together in any other capacity – for example as paid or unpaid members of other voluntary, charitable or commercial organisations, government departments, quasi-governmental bodies or local authorities. Regarding the 6 elected members, Trust staff should be disqualified from standing and I would advocate that the further restrictions listed above should also apply, to the extent that all 12 members are in every way possible truly independent of each other. The justification in Option 2 of it being a modern alternative should be withdrawn. The fact that something is modern does not in itself make it good thing. There are many aspects of modern life that people dislike. Things that are modern can make life worse, as anyone who objects to sitting near to someone using a mobile phone in a public place can testify. Under Proposed Changes, if candidates are allowed to receive full copy of the electoral register, this should be under the same conditions as an elected Parish Councillor receiving a copy and this should be made clear in the proposed change. That is, that they may not use it for commercial purposes and they may not share it with any other person. One Parish Councillor cannot even give a copy to another Parish Councillor.

Q5 I do not agree with the way that part 5 of this question is phrased. Why is 'Trustee' (a technical term for a Charity) being used rather than 'Conservator' or 'Board Member'? MHT is only the working name of the Malvern Hills Conservators.

Definitely approve of online, providing secure enough to avoid hacking... The consultation document mentions CEO in relation to the INP, but I cannot find any other mention of CEO, whether he or she should be paid, how his or her pay should be fixed etc. For the avoidance of doubt, I believe there should be strict restrictions on CEO and other employee pay for all charities, including the Trust.

All the Board should be elected and come from Malvern precept paying wards

I believe that all the trustees should be elected as happens in most charities. Election could be by residents in other parts of the area currently unrepresented and through a membership scheme which could attract voters who live outside the area, but support its objects. I think that the INP could become a single issue pressure group and the need for specific expertise can be filled by buying in services from third parties.

Appointing and maintaining the INP is obviously a difficult issue and there may need to be provision for this to be reviewed in future. Also ensuring that with a small board the necessary skills are provided together with representation from minorities who use the hills (farmers, graziers, residents, as well as walkers, cyclists etc) especially since changing the voting method may result in more board members with a purely recreational interests

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Although the Charity Commission may prefer 12 or less board members the array of skills required for the Trust and the diversity of the tasks require more representation than this (If there is a conflict between what is right for the Trust and the Charity Commission then the Trust should cease to be a member of the Commission). Precept payers need to feel there are sufficient checks and balances in place to ensure diverse views are adequately considered. 12 or less members are too open to manipulation (real and perceived). The Trust modernisation is an opportunity to establish a good working relationship in the interest of The Hills and people living here. 15 members is the minimum number of Trust Board members. Candidates should only be eligible for election if they are precept payers. If they are not, they can apply to be appointed based on their skills and experience.

Q4 point 3 "Half the Board should be elected and half selected for their skills and experience" - Not in the way suggested. Q4 point 5 "Given that elected trustees are required to serve the best interests of the charity..." - Local members know and (we hope) love their part of the hills. What's the point of combining electoral area then giving board members special responsibility for a geographical area? Q4 point 6 "Candidates from the wider Malvern area should be able to stand for election to the Board" - Yes, but not in the way suggested. Q4 point 7 "The Board should be able to remove a trustee by special majority for any good reason..." - Too wide. Who decides what is good? Open to abuse. Q4 point 8 "The Trust should be able to conduct elections by post..." - Post is not secure, online is worse. Q4 point 10 "When an interim vacancy is created by the departure of an elected trustee..." - Proposed INP dangerous and given too much power. "First INP to be appointed by outgoing board and then appoints its own successors"! IT CANNOT BE INDEPENDENT if constituted in that way. No checks and balances, no mechanism for eradicating bias and problems get worse with 'inbreeding' (no offence intended).

Would not agree with any less than 12 maximum. Would not fairly represent a large area.

The Malvern Hills Conservators is a public body established by parliament and funded by a levy on local ratepayers. The majority of board members are currently elected, either directly by voters or by the nomination of elected councillors from the MHDC etc. They have a direct link with parishes and wards, providing a point of contact for the public, and can be voted out if the public are not happy with their performance. Taking each point one by one. It seems reasonable that the number of board members should be reduced, but given Board members serve on a number of committees it is not clear by how much. With regard to specialist knowledge rather than half the Board members being elected by an Independent panel it seem far simpler for the Board to be given powers to coopt up to say three specialist NON VOTING Board members. The Consultation document talks about Best Practice but there is no such thing - all organisations are different and the Charity Governance Code has no legal standing nor is it I believe a Charity Commission document. It is suggested that present number of 11 elected board members should be retained, but that the numbers of nominated Board members could be reduced eg by removing the Worcestershire County Council and Herefordshire County Council and Church Commissioner representatives, and reducing the number of MHDC representatives. It seems reasonable to allow candidates to stand from a slightly wider area than currently, were that simple to administer. With regard to the removal of Trustees, proposed changes a, b and c are fine but d could be open to abuse eg a way of 'bullying' a Trustee. To avoid doubt either leave d out or have a list of circumstances.

Elections should be adequately publicised and advertised, and not be undertaken in a semi-covert manner

Some board members should be elected for their skills and experience but not necessarily 50%. I disagree with the premise that elected board members are not there to represent their area. Their remit should be to represent the best interests of the residents in their area and the best interests of the Trust. These two points should not be in conflict if the Trust is there to protect the hills for the people. The Board should be able to remove trustees in some limited circumstances but these circumstances should be clearly stated with no room for ambiguity.

These proposals are all entirely sensible, long overdue and a key step forward to make MHT more efficient and capable into the future

## Malvern Hills Trust consultation

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

I agree the board could be reduced, but 12 is too few it should be at least 15 with 10 elected. Area representation is a reasonable way of finding trustees. Candidates from outside the area could advise, but should not be part of the Board

What is the 'independent body' that will select board members? Who comprises the 'Independent Nomination Panel'?

I think that it is extremely important that the Malvern Hills trust answers to the public that fund it. If The board feel they lack expertise in a certain area, they should find an expert to provide advice. They're in no need to have said expert as a serving board member. I think that board should be able to remove a trustee by simple majority for gross misconduct. I think that "any good reason" is far too broad. I think that the interim vacancy policy should be dependent on the length of time until the next election.

Under the 1884 act the Trust appear to have the power to raise a levy if they see fit.

I'm not sure that the security of online voting is up to the task yet.

I feel strongly that the board should be made up of a majority of elected local people. I would think that the best interests of the charity (ie: to protect and preserve the hills and common land and protect them from commercial exploitation first and foremost) will also align with the best interests and wishes of people the local area so trustees should continue to be drawn directly from those local areas that are affected most by Trust decisions. Some areas with relatively small populations have a large proportion of MHT common land so they should continue to be well represented. This strong locally elected representation also brings accountability.

"Representatives" / local ward councillors should be allowed to vote on such as planning issues for easements as residents of wards pay at least 50% (via council tax) to Trust.

Trustees who are local ward councillors should be allowed to vote on planning/easement issues as ward residents pay about 50% via council tax to trust.

Each Parish that has land administered by the Trust should have representative elected by secret ballot by the parishioners. The trustees should be working in the best interests of the land and the people that use it, and not the Trust.

I am not certain that appointing people with particular skills works. Good in theory but probably not so good in practice. First find the person, then do they want to join the Board. And the people with the time and inclination are often retired which means they could be out of touch anyway. I would go for 12 elected members, but people with desirable knowledge could be put on the list. And how would the staggering of retirement work? With a new Board, would you ask half to retire after two years? If there were no volunteers, the proposed system would fail. Possibly you could run the Board with six members for the first two years, then elect another six

Being able to remove a Trustee for "Any good reason" is too open to possible abuse. The example given of ill health is covered by proposed change 'c' on page 19 which allows for a Trustee to be removed if he or she fails to attend meetings for six months. "Gross misconduct" is, again, a specific reason that would normally apply to any trustee.

While it is common practice and only a minor point, the casting vote system seems unsatisfactory. Chairman often either use their casting vote to vote as they had voted earlier or to maintain the status quo. While it would not totally resolve such issues, it is suggested that the Board should be made up of an odd number of Trustees, eg 11 or 13 with the balance in favour of the elected members. Moreover, if a casting vote is needed the Chairman should be guided to vote to maintain the status quo so that the issue can be raised again, if appropriate, at a future meeting.

I agree that the Trust should be able to remove members. I disagree that a person who wishes to resign should be prevented from doing so. He might be moving miles away to another country, or not wish to remain subject to the burdens of trusteeship. Resignation means terminating a relationship, and is a matter for the terminator.

I would prefer 15 trustees to be considered

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The Board could benefit from being slightly reduced in number, but the MHT proposal is far too drastic. I suggest that the Board should consist of the eleven elected members as at present, plus three or five nominated by the MHDC and possibly three from the outlying villages of Castlemorton, Newland and Powick, (an odd number of trustees is important). This would ensure that all members are in some way elected by people living in the Malvern Hills and Commons, thus maintaining the important link between accountability and democracy. I do not think that half of the Board should be nominated and certainly not by a so-called 'independent' body. I cannot see what skills are lacking in the present Board or already elected candidates that need a specially nominated trustee to provide. If it were to arise that particular 'specialised skills' were needed temporarily, they could be 'bought in' or non-voting members co-opted. I do not accept that elected trustees are required first and foremost to serve 'the best interests of the charity'. The MHT is a public body with charitable status, wherein the elected trustees represent and are accountable to those who elected them - that doesn't mean that they have to agree with everyone, just explain their decisions. Combining the electoral areas into one body would disadvantage those precept payers living in the more outlying areas, where there are fewer electors but larger areas of MHT land. Removal of trustees - there should be more examples given of how or why trustees should be removed. The phrase 'for any good reason' should be omitted, as it could be open to abuse. Yes, elections by post, but would online be safe? Retiring by rotation would involve frequent elections. The MHT Board alone should co-opt a new member, not some INP.

Whilst the duty of an elected trustee would be to serve the interests of the Trust, there is nevertheless a significant element of representation of the wards and parishes in the area. Combining the electoral areas into one presents danger that the smaller electoral wards and parishes are vulnerable to inadvertent or even concerted actions against what would be a minority. There needs to be a way to ensure that the minority wards/parishes are represented. It is important that the elected trustees retain a real connection with the Malvern area and only those from the area should be allowed to stand for election. Non-elected trustees from the wider Malvern area are acceptable.

This looks like a power grab away from local people

Combining areas considered possible but needs to include non levy paying areas.

15 maximum Board members.

Should be an odd number, 13 or 15.

Malvern Hills Conservators are not a usual charity, so the Charity Guidance Code (which is voluntary) should not be applied to choose the number of trustees. A single area of representation for all the electors who pay the levy, combined with an INP working to the CEO's "advice" and then selecting half the Board, has connotations of the Mafia's best practice and is fiercely opposed. Diversity and local independent views are the key to the future of the Malvern Hills. Board members need to live locally -- and pay the levy -- so that each of them has a proper stake and commitment to the future governance of the Malvern Hills.

**ON THE FIFTH QUESTION THE STATEMENTS DONT ANSWER THE PARISH REPRESENTATION ISSUES**

I disagree with the proposal that no residence criteria be applied in respect of candidates nominated by the INP. I recognise the need to have the ability to bring in specific expertise but this should not be at the expense of the board reflecting local views. It is suggested that at least 50% (i.e. three) selected trustees should hail from the wider Malvern area, applying the same criteria as for elected trustees - this would ensure that 75% of trustees have a local connection but allow for some outside expertise to be brought in.

RE. Board members selected - At least two members should be selected because they admire and love the landscape, and have shown they do by their painting, photography, essays, novels, journalism, lectures or wonderful conversation about the Malvern Hills. (This is an aesthetic concern - such as inspired the initial Conservators. The members of the Trust should not be composed ONLY of scientific ecologists, archaeologists, botanists and Council representatives - valuable though each is.)

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The view of the Town Council is that current electoral arrangements should be mirrored, with ten elected members from the district wards of Priory, Pickersleigh, Dyson Perrins, Chase, Link, West, Wells and parishes of Guarlford, Mathon and Colwall. A further four nominated members should be taken, one from each of Malvern Town Council, Malvern Hills District Council, Worcestershire County Council and Herefordshire County Council. The current electoral rules for Town and Parishes should apply as to which area candidates can come from when standing for election. If an interim vacancy is created, it should be filled as per the normal rules unless it is within six months of a normal election.

With regard to the proposal to be able to remove a trustee because of long term illness and/ or failure to attend meetings for some time. I think you need to consider that this might conflict with Equalities Legislation towards: (a) disabled people, (b) pregnant women and (c) new mothers. I also think that the role of carers (for sick or elderly relatives) needs to be considered. Disability, pregnancy, new motherhood and caring responsibilities can all result in people being unable to attend meetings. These factors need to be considered before removing a person from the board. Additionally, modern technology can enable people to participate in meetings, without being physically present, via for example Skype. This would enable board members with issues identified above to continue to contribute and would be a 'reasonable adjustment' under Equalities law.

I do not agree that the trustees should be elected by only the precept paying areas. Those potential voters are largely disengaged from the process (15% turnout) whilst people who live in and around the MHT land, such as Castlemorton, should be able to influence the membership of the board. This could be done in several ways. One is mentioned in the consultation document "council and board" another would be to give voting rights to the proposed membership and a third would be to apply the precept to areas such as Castlemorton.

29 trustees is certainly an unwieldy number but reduction to 9 or 12 is rather too drastic. It is important that there should be no taxation without representation. Representative of people living in the area are important. It seems that this proposal is to be convenient for the running of meetings of the MHT and not to improve the achieving of its objectives. It is essential that trustees selected for their skills should not just be knowledgeable about administration but should also include those who know about the natural history which the Trust aims to look after and especially someone with geological knowledge. Geology and geomorphology underpin and shape the whole of the MHT area. Damage has been caused to designated Local Geological Sites., though ignorance of the importance of the geodiversity. On notice boards the amount of geological information has been reduced or replaced so that it contains errors. This must be put right by consulting someone with geological expertise. It is essential that staff working at Malvern Hills Trust should learn more about the geology of the Malvern Hills area. Could training courses and field trips be organised. There is so much ignorance at present.

Keep the existing area representation for diversity of views. I would not trust an INP "advised" by the GEO. Only levy-payers should be able to stand for the Board, which should be more than 12 strong.

Clearly a board of 29 is too many, as decisions cannot possibly be made effectively. Having a board of twelve would be far more reasonable.

This is the most important section of the whole consultation. I am impressed with the thoroughness with which this document has been compiled and fully support the move to make the Trust fit for purpose in the 21st century.

Need to ensure board members have local knowledge, local understanding, and an interest in the area rather than just wanting the trust to be successful

At least one of the board members should have a good understanding of the geology and ecology of the Hills

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There should be a predominance of elected board members on the board, elected by the precept payers. The link between tax paying and meaningful representation is fundamental. The proposed single list election arrangements will result in the built up area of the town having a disproportionate influence on the board compared with the outlying areas which are most directly affected by the Trust's activities. If the composition of the board has to be changed then priority should be given to ensuring that the board has a geographically spread set of elected trustees. This could be achieved with a board of 16 comprising one elected member for each of the wards and parishes which presently elect board member(s), together with up to 6 "experts", if required. Many decision making bodies operate successfully with memberships of comparable or larger size such as: Malvern Hills District Council (38), The House of Commons Committee for Privileges and Conduct (16), the Cabinet (33), The House of Commons Delegated Legislation Committee (17), to name just a few. The proposed power to dismiss elected members is too open to abuse as "any good reason" is undefined. The Trust has shown, through its inability until recently to post searchable documents on their web site, that they lack the capacity to manage online elections safely. When a vacancy arises for an elected member there should be a by election. That is the normal democratic process.

I and many people I have spoken strongly object to the reduction of the board to 12. It is far too small particularly if voters are absent or abstain. Malvern Hills Trust is not obliged to follow Charity Commission guidelines. This is a niche charity which taxes the people of Malvern so it is different to an ordinary charity. 15 should be the absolute minimum, and maintenance of elected representatives from the wards is highly important. Local interest should be preserved with members residing in the area. 12 with 6 nominated will lead to cliques and coercion. It is totally unreasonable to reduce a board of 29 members to 12 in one sweeping change and this endangers the hills from outside threats eg the cable car and easements over its land for housing developments. For 12 members the quorum would be ridiculously small and liable to misjudged decisions.

The WHOLE Board must be elected; the notion of an INP is abhorrent. This is a small local charity whose interests are local and parochial, and must remain so. It is not the Board of the National Park or the NT type of body. Regarding the ballot, online is not good enough. Proof of postage is not proof of receipt.

Strongly disagree. 12 is far too small, quorum could lead to misrepresentation. Hills Trust not governed by Charity Commission, Reduction from 29 to 20 would be best first step anyway. !2 is too radical.

Q4 point 6 "Wider Malvern..." - Not clear - how far - could be London

The method of selection of Trustees as proposed is wide open to abuse, particularly the "INP" if overseen by a Director or Secretary of the MHC. Board members should be representative of all residents of Malvern area.

In the interest of good corporate governance the Chair rather than CEO of the Malvern Hills Trust should be a member of the Independent Nomination Panel (p.18 of Consultation Document)

1 removal of Trustees should include a specific reference to a criminal conviction in addition to gross misconduct 2 the CEO should not have a role in the selection and appointment of trustees

A maximum of 12 is acceptable only if 8 are elected and 4 are appointed. Parishes that currently do not pay the precept should not be allowed to vote. Trustees (elected) should still be linked to areas or wards.

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1. Could the issue being addressed be met by having a board structure that allowed for an Executive Board of somewhere between 6 to 12 fully committed members with specific portfolios supported by board members acting in sub-committee under the direction of an executive board member. In this way the current electoral and nomination procedures need not be changed significantly particularly where this might prove contentious although the proposed arrangement of combining electoral areas might have some merit. In this suggested scheme the Executive Board positions would be given well-defined terms of reference and delegated powers of representation to give the improvement in responsiveness that the new arrangement is seeking. 2. In whatever way the appointment process is changed there needs to be consideration of the way in which the special situation regarding Castlemorton is taken into account. The Trust's land holding in Castlemorton represents something like 25 - 30% of the area administered by the Trust and it would be reassuring to see some reference to a requirement that Board appointments should reflect this with at least one member being selected for having a specific connection with and understanding of the Castlemorton Commons.

Taking power away from electors

29 board members is way too many. 12 would be much more workable.

Only people who pay the precept should tell us how much we should pay

It is unclear how the 'Independent Nomination Panel' would be composed and what oversight applies to the process of appointing nominees. The possibility of introducing members who are not resident in the area, or even this country is unacceptable. Reducing the elected representatives so dramatically and to a simple 50/50 with 'experts' does not give confidence that there will be sufficient democratic input to a body that is funded by precept from parts of the community.

The precept payers pay for the care of the bills. They should elect the trustees. How would they be able to reach all the precept payers for a postal vote? The electoral register does not belong to the Trust.

I N BODY NO WAY

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A reduction to 20 might be acceptable but it is difficult to see how a smaller number would provide adequate representation. The intention of the first Act was that the Hills would be managed by local people together with owners of land within their jurisdiction. Prior to local government reorganisation the parish vestry was the lowest level of parish administration. By the time of the 1924 Act Colwall, Mathon and Guarford had parish councils the remaining areas did not - hence the delegation of appointments of the former vestries for Great Malvern et al passing to MHUDC. Prior to the submission of the Bill which led to the Act of 1995, a working party was formed with representatives of the board, MHC, and parish councils to try to find a way of INCREASING LOCAL REPRESENTATION on the board (without increasing the overall number). Although it proved impossible to incorporate this into the Act the promise was made that further steps would be taken to bring these changes about, after the passing of the Act, but certainly not in the way now envisaged. The disparity is misleading as only one side of the argument is set out - the other being the amount of Hill land within various parishes and therefore its impact on the lives of those living within the various parishes or wards. The argument that of potential board members being uncomfortable with the election process is just silly. No doubt there are politicians who enjoy the whole process of electioneering and the final tension of the count - for most people an election is a means of showing their willingness and suitability to serve as a representative of an organisation / charity to which they believe they could make useful contribution. It seems unlikely that such shrinking violets would be much use in public debate and might better be employed as consultants as necessary. While recognising that board members represent the Conservators as a whole, that does not mitigate the usefulness of individual members being from each of the parishes which contain land administered by the board and having an intimate knowledge of the land within their own area. Among other advantages this enables them to notice and report minor problems before they become major ones. It also leads to local people raising matters of concern with them; neither of which mitigates their impartiality. To reduce the number of the board to 12 seems unnecessarily draconian especially if there are efficient committees who are able to look at specific subjects in greater detail. A reduction to 20 would seem more reasonable. To create a single voting area with a single voting list would certainly be the very best way for the board to be taken over by a pressure group, "political" or otherwise. Those who would argue that this couldn't happen were not around at the time of the "New Conservators" in the 1990s. To say that it couldn't happen is to overlook both general voter apathy (to which you refer) and the powers of persuasion of those with a cause. That power could also extend to convincing "appointed trustees" of the strength of their arguments. The argument put forward for a substantial number of nominated members is unconvincing. Surely the skills and knowledge relating to land management and finance are fully covered by the paid administrative staff? This was certainly the case in the past. At times professional consultants were brought in for their knowledge which was beyond the scope of the office staff, e.g. the safety of quarries. Weighting of elected over nominated members would still reduce the members of the board while maintaining the appropriate balance of those responsible to the local electorate. "Candidates who apply to the INP for appointment as trustees would not have to fulfil any residence criteria". Why not? In theory it would be possible for appointees to reside in Derby or Hampshire because of their amazingly "relevant talents and backgrounds". Provided they were prepared to attend meetings (expenses paid) a lack of local knowledge and commitment is obviously considered irrelevant. There is no indication in the document as to how the INP would themselves be selected, and it would appear that their remit will be to select those with interests and skills relating to administration rather than a knowledge of and interest in conservation of the Hills. Term of office: If someone who has been elected for two terms, gaining knowledge and therefore able to make a greater contribution to the work of the board; should they be prepared to stand for a third term there is no valid reason why they should not do so.

The proposals create the very real possibility of a Board consisting of members who do not have the long-term interest of the Malvern Hills, but rather the interests of the Trust (as an organisation) at heart. This risk increased by the proposal to reduce public access to meetings. The invocation of the Charities Commission does not give the Trust's Board permission to reduce visibility and public accountability.

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Suggest that the number elected could be reduced to 11/12, e.g. by amalgamation of the smaller parishes/wards into the larger. Surely the role of e.g. The Chase Ward elected board member should be to represent issues of their electors.

I think that the make up of the Trustees should be widened to include young people (perhaps 16-21) and people who have disabilities. Young people have a stake in the future, as also do those with a disability but with the additional knowledge to contribute a wider experience to decision making and facilities.

Why not 14, if that is an alternative maximum?

I think it is essential that candidates for appointment to the board are limited to persons residing within the counties of Herefordshire , Worcestershire and possibly Gloucestershire. I would not be in favour of trustees being appointed because they have experience of charitable or trust work in large organisations or who may have retired to The Malvern area recently. The representation needs to be reasonably local where there already exists a wealth of experience and talent.

Dangerous precedents being proposed. The board is made up of 29 members, as set out in the acts of parliament. The imposition of a "restructured" board of a maximum of 12 "trustees" is completely at odds with the role of the conservators and is allowing charity law to supercede the malvern hills acts. However, in the past, people have stood for election to the board with the intent of "shaking things up" and this has created conflict. However, the past has shown that overall, this has had little effect. The board does need reform with respect to the disparity of the numbers of electors in each area. West Malvern, Colwall, Mathon and Cradley can be slimmed down to 2 elected members, merge Guarlford and Chase, Powick and Newland. This will need further exploration. I express deep concern at the inclusion of the "diversity" mentioned on page 13. The board should be constructed based on ability ALONE and not skewed to tick some diversity box. Appointing someone to simply increase board diversity at the expense of ability is a recipe for disaster. Don't even go there. The board itself does not need the full range of skills. In any organisation, those who make the decisions, in this case the board, should have access to a group of advisors, similar to SPADS for government ministers. On that basis, formation of the independent nomination panel is unrequired. Decisions should be taken based on the evidence presented, and that evidence is in any other organisation, impartial. The proposals run the risk of board members pushing forward an agenda and using their own professional expertise to hoodwink the rest of the board. Page 22 indicates the charity governance code has trustees standing for no more than 9 years. Conservators have served the board in some instances for decades, and such knowledge is invaluable. Once again, forced removal after 9 years because the charity commission says so is, once again, the tail wagging the dog.

It is important that board is more representative of the wider community (not "pale, male and stale"), contains experts with relevant experience, and not suffer from cognitive impairment, or undisclosed special interests like membership of the Masons

I believe that the majority of conservators have served well. Allowing the trustees to dismiss another trustee, is open to abuse. Areas on the outskirts of Malvern with a relatively small number of electors, but a relatively high proportion of common land, will be at a distinct disadvantage. I oppose the formation of an independent body that would select trustees, as this could give rise to paid jobs and cronyism.

The idea that an independent body would select the trustees is unrealistic, and would give rise to cronyism. It could also lead to the independent body becoming fully paid. Inequality in the size of electorates is a red herring. Those areas with a small number of electors, but a high proportion of common land, would be disadvantaged. People making decisions regarding the Malvern Hills and Commons should live, work, or have a business within the area, and preferably be precept payers. Trustees removing trustees could be misused to get rid of a trustee whose views did not concur with the executive.

A quorum should constitute at least 7 trustees

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

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Page 15 of consultation document states the INP should have option to agree it is unnecessary to fill all 6 posts if it felt sufficient expertise available with less people. STRONGLY DISAGREE. All 12 places should be filled regardless to ensure a robust and democratic maximum number on the board and avoid too much power in too few hands. Why is there no question on this document asking if people agreed with this option? Re last question- 'disagree' is answer until way INP is created is known.

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Elections by post or on-line will be expensive, given the costs of circulating details of candidates by post to all voters, and open to abuse by disinterested parties a la 'Boatie McBoatface',- I don't think the prime objective of this process is to increase the percentage vote. It would be wrong to build in a process whereby selected trustees will tend to be able to outvote elected ones,- better to leave the post vacant whether it be a selected or elected candidate who has dropped out.

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The larger the size of the Board the greater the protection provided. Smaller Boards will be subject to greater pressure and will not provide the range and independence that a larger Board creates. The wider Malvern area has not been defined but those who live on and near the Hills , who walk them daily and in many cases have grown up and lived with them are best placed to protect them.

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Elections by post or online but only after public notification and the publishing of results afterwards.

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I absolutely agree that the size of the Board should be reduced, as 29 is truly unwieldy. Charity commission guidance is now for a Board of 7-9 people (and an odd number) and I would favour this lower number, but understand the reason for selecting a maximum of 12. I am fully in favour of the proposals for 6 elected and 6 selected Trustees, and consider that this is essential to achieve the balance of skills and experience needed for a Board which is responsible for the future of our hills. These Trustees should be subject to modern governance practice, including retiring by rotation, length of service and the ability to remove Trustees under specific circumstances. The transitional arrangements will need careful consideration to retain an initial balance of Trustees with relevant experience and Trustees bring new skills and experience to the Board.

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These changes are long overdue if MHT wants to be seen and to operate as a modern charity

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If there is an interim vacancy created by the departure of an elected Trustee, then another Trustee should be elected, not replaced by the INP.

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I strongly oppose the Malvern Hills Conservators / Trust scheme to reduce board membership. The proposed scheme very unfairly managed with lack of publicity, and total disregard to democracy. We the precept paying local residents of 11 specific areas who largely have to fund the Malvern Hills Conservators , yet the Board appear to act on "Best practice guidelines" from the Charity commission rather than consider fully their tax paying residents. Indeed it has been alleged that some £100,000 has already been spent on the scheme prior to consultation and some additional funding will be required to complete the project! This is public money and the precept paying public have a right to know in detail the expenditure. The 11 truly elected membership should not be reduced in any way as each member would be responsible for concerns of residents to the specific area they represent.

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**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

Any reduction of the size of the Board should not reduce the number of elected Trustees; the number of those elected should exceed any nominated ones. It would seem that there are too many District Councillors on the Board and it is those that should be reduced. A pre-requisite for any Trustee should be that they live in Malvern; it is unacceptable that someone from another part of the country can be part of the decision making in Malvern and dictating how our funds (from Precept payers) are spent when they have no vested interest in the area and make no financial contribution to the area. Losing the representation of elected trustees for particular wards of Malvern and the proposed nature of its elections, make the Trust less accountable to Precept payers. Such a move is undemocratic and regressive. Besides, the assertion that Trustees cannot represent those who elected them, is in direct contradiction with the established status of the Trust being a public body. Areas on the outskirts of Malvern with a relatively small number of electors, but a relatively high proportion of Common land will be at a distinct disadvantage under the new arrangements compared to the existing ones. Under the new proposals, those in wards and parishes containing the largest areas of MHT land will lose influence on the Board compared to more populous wards and parishes with comparatively little MHT land within their boundaries. There are dangers of allowing the Trustees to dismiss another Trustee. The conditions under which this might be done must be precisely specified, so that it cannot be done on a 'whim'.

Those within the area are the best to stand, the problem is the visibility of the elections and not the fact that it needs people from a wider reach.

I am currently a trustee of a small medical charity and the size of the board makes an enormous impact on the ability of the board to take decisions and manage the charity effectively. Having trustees with expertise relevant to the charity's objects and more general management is also hugely advantageous.

Having taught Corporate Governance at university for many years I am astounded that this change has not been made before. The way the trust is run at the moment is against ALL Corporate Governance Codes. These Codes were influenced by Sir Adrian Cadbury, who was a pupil at the Downs School and whose grandmother lived on Jubilee Drive. Having such a large number of people involved leads to factions and in fighting rather than efficiency. All the proposals are sensible and advisable and should be adopted.

Elected candidates should be drawn from the precept paying areas.

I think "wider Malvern area" should be more closely defined in order to retain the local focus. Although I have agreed to the necessity of reducing the number of Board member, I think it would be worth considering a total of 14: 8 being elected and 6 nominated in order to emphasise local connection and help to allay fears expressed by the public that the close links many of them feel to the Hills is in some way being changed.

I comment as someone who visits the Hills regularly but lives outside the area. I teach corporate governance at a university in the West Midlands and have done so for almost twenty years. The proposals are eminently sensible. They reflect current best practice whilst recognising the unique nature of the Trust, its work and its place within the wider community. More specifically, it is now unusual for boards to have a membership over 12; indeed, the norm is closer to 9. The board needs to have a clear focus and its members need to appreciate that the law requires them to act in the best interests of the trust. There is a great deal of academic research which explores what makes an effective board. Diversity is important, as is the requirement that the board should - overall - have the requisite balance of skills, experience and knowledge. This becomes more important given the plans for the future work of the trust outlined in the consultation document. The proposed board structure - half elected and half selected - strikes an appropriate balance, in my opinion, between local representation and recognising that for the board to operate effectively it needs to have on it an appropriate balance of skills, experience and knowledge. I can see the merits of permitting someone from outside the area serving on the Board - they may be someone with a national (or international) reputation in conservation, science or the management of a charity who is able to bring to the Board something it currently lacks.

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Based on the historical background and outstanding work put in by directly elected members, it would be reasonable for such members to form a majority of the board of trustees. They are locally based and are likely to have much useful knowledge of the area and the issues around its conservation. The specialised knowledge from nominated "experts" is welcome; but, this has always been readily available without the need for such people to be "board members" or trustees.

A fully elected board is preferable. 15 board member seems a sensible number. Do not agree with there being an INP & definitely how it is proposed to be set up - this does not seem very impartial as suggested

The majority of the Board should be elected by the precept payers.

The words above [5th question of Q 4] starting "Given that" are "leading" the question would be unacceptable in cross examination in any Court of Law. Such words are totally unacceptable here - Such words are presumptive and incorrect . Elected Trustees/Conservators and indeed all Trustees/ Conservators have at the least several important duties. The 1st and fundamental duty is to act in the Public Interest [see above please], the 2nd is to ensure that the Conservators /Trust act in the Public Interest and the 3rd is for all Members of the Board to understand every area the Conservators/ Trust land covers. It is therefore important to ensure where there may be less people but a significant area of land in the Conservators'/Trust's Jurisdiction such as Mathon, Guarlford and The Chase Parishes/Ward, then Elected representatives can act in a responsible manner to protect those areas for those people who will understand it better than anyone.

Trustees should be local to the area with at least forty years as a rate payer to the Malvern Hills District Council to ensure that local knowledge can be referred to and it should be of paramount importance that all trustees are working with the conservation of the Malvern Hills as their main reason for working in this capacity NOT purely for financial gain!

It's a "No" to an Panel of experts (INP) as set out in the document. It gives too much power to a very small group & to the executive and is effectively self- perpetuating! Proposed 9 year term indicates the real intention here, in my view, exceeding as it does, the terms suggested for the elected Trustees of the Board and for continuous terms of non-paid office in Local Government. Please, look at this with scepticism! It shows a weak, rather than a robust, attitude to future accountability. Co-option would be fine, to get the skills in that are needed, so long as co-optees are paid only for expenses and are non -voting. Voting members of the charity's Board should not have a financial interest in offering their professional services. Any such (services) should be bought in by the trustees The size of the Board I acknowledge as too large but suggest 11+ elected area trustees must continue in the Malvern Hills Trust, since wards of small population, but large area of (open) Trust land, are more likely to have issues requiring consultation than populous areas of almost saturation development. The people in these "open" areas' still need a channel and a "voice, in an era when predatory developers have registered interests in up to 900 land parcels in the South Worcs. Development plan. Non-precept paying areas should be given the option by consultation, whether to become precept- payers OR whether to have their rights looked after by other trustees who have little population but whose wards are all currently precept payers. My example: Guarlford's elected trustee could look after the interests of Newland (its contiguous parish), Colwall's, the interests of Castlemorton; Mathon's 241 electors residents could be asked (by cheap postal vote) if they would accept the representation by Powick's trustee or would prefer to merge with Colwall. To change all the electors' terms is an unnecessary and costly step and lessens accountability.

The elected trustees should outnumber the nominated trustees so more consideration is given to the local views. Why is it necessary to have experts as trustees why not just seek their advise as and when required

See former comments.

Absenteeism would always ensure the number is less than the maximum. The more people the more ideas are put forward and a more balanced decision is made.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

I'm not sure how an INP would be able to "find" these candidates without some prior knowledge and therefore not impartial and also how the INP members would be selected. Again, it would be difficult to find anyone who was impartial without someone recommending/suggesting them.

I agree the current number of Trustees is too cumbersome for them to all do their duty as Trustees. There will need to be much better communication to all about candidates seeking election. Hence in future it may be wise to hold such elections on the same date as other local elections (district and county council elections). Mailings can be included with other mailings from the MHDC for these events. What is the plan for electing trustees so they are not all elected at the same time? Two a year or what? What will be the interim arrangements until this pattern is established?

Having the most appropriate and effective appointed trustees to work alongside elected trustees is essential to the MHT's future. This approach should enhance accountability, both actual and perceived I therefore very much support the concept of the INP. The panel's initial composition is especially important given the INP's absolutely critical initial responsibility to decide on the mix of appointed trustees and the specification for each role – and subsequently to find and appoint the right people to fill these roles. The consultation document rightly says that how to appoint the first INP is "problematic". As it stands, I do not believe that the proposal in the document for appointing the INP is sufficiently rigorous, relying as it does on the current unwieldy Board supported only by the Board Secretary as Convenor. I am unconvinced that this largely internal approach would give other stakeholders the confidence in the independence of the initial appointments. My suggestion, as a start-point for consideration, would therefore be broadly as follows A small "Initial INP Selection Working Group" should be formed. This should comprise: an 'internally sourced' component of the CEO and 4 [say] current Board members chosen by the full Board; together with an 'external component' of 3 [say] a senior member of the Charity Commission, an experienced Chairperson of a charity with similar challenges/scope of activity to the MHT, and a senior consultant experienced in facilitating the development/governance of not-for profit organisations. I suggest the Charity Commission should recommend the external members and that their input be funded by the MHT. Supported by the current Secretary, this group would be responsible for in sequence proposing to the full Board for agreement • The number and skill sets of INP members • The process for identifying, selecting and appointing the initial INP • Executing the appointment process This approach would combine the insights and experience of existing Board members with informed but independent external expertise and skills

All trustees should be elected, as very difficult to establish true 'independence' of independent body.

I feel that it is important that trustees are still appointed from specific wards, 'no taxation without representation'. The number should certainly be reduced, I think to 15

As a former member and chairman of the board I strongly disagree with the proposed size of the board in the proposed document. It seems to me that the proposed size of the board seems to be dictated by a one size fits all charity commission template. I agree that there are some anomalies that need to be rectified such the presence of a church commissioner representative which seems outdated and perverse. The other anomaly that needs fixing is that some wards have more than one elected representative. It should be one member per ward. This would produce a board with 19/20 representatives. as a correspondent to the Malvern Gazette rightly stated this week that the principle of no taxation without representation should be fully upheld especially when the board raised nearly £500k last year. It should also be open and transparent and the proposal to hold committee meetings in private is totally unacceptable particularly when easements are being determined. To conclude the trust is a curious beast that cannot be pigeon holed I would strongly urge that you take care to take both my and other peoples comments on board. If you go ahead at what you are currently proposing I am sure that you are running the risk of a crowd funding being set up to finance a judicial review and that would be in one's interest. [REDACTED]

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

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A) 12 trustees is too few. All levied Parishes/Wards (within which MHT land is situated) should have the ability to elect their own representatives to the board. The residents of those Parishes/Wards will know the land in question and no doubt value it as a part of our wonderful Hills. Mandated precept payers not only fund the activities of MHT but are also directly affected by its decisions. There must be a link between levy-payers and trusteeship. Elected trustees are required to act in the best interests of the Charity but the Charity is also a public body for most purposes (see later) and if the election process is to mean anything the elected trustees should be democratically accountable B) Other Local Authority representatives who are very likely to have no real knowledge of MHT land or appreciation of its value should not be elected or nominated as trustees. C) The number of trustees who may be nominated by the proposed INP must be small (say 2/3 persons maximum). The CEO should not have a vote in any circumstances on the appointment of any trustee by the INP D) When considering the appointment of trustees the INP should have to consider the individual(s) concerned according to the factors outlined on page 17 of the Consultation document and preference given to any who are familiar with the Hills by virtue of nearby residence

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The Board could be reduced but not by the savage cuts proposed. A Board of about 20-22 would seem reasonable to accommodate sufficiently wide representation and to enable meaningful committees to be established. The apparent desire to introduce an unrepresentative 'quango' is reprehensible. Direct election by the taxpayers for specific areas should be strengthened not diminished. Direct election by taxpayers and the right to precept are two of the greatest strengths of the Malvern Hills Acts. Nomination by bodies (such as Malvern Hills District Council) should be greatly reduced or in other cases (such as Church Commissioners and outlying Parish Councils) eliminated altogether. Everyone paying the precept should have a right to vote in an election for their own area. No Parish should elect more than one member. Some bodies have no interest in this and in current practice they are given a name by the Board's office to appoint. Parishes that contain substantial amounts of the Board's land should be added to the precepted parishes and each should have the right to elect a conservator. By that means County nominations for parish representatives could cease. Board members elected by taxpayers should not be removable unless for a criminal offence. Whistle-blowers would be vulnerable to arbitrary removal. Vacancies should be filled in by-elections. The selection of one or two full members by co-option for very specific skills or experience could be considered but in no circumstances should such co-opted members be more than 10% of the membership'

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There should be an uneven number of trustees with at least one more elected trustee to ensure local views are paramount. I see the benefit of recruiting some specific skills - not health and safety please - but I question the use of nomination to increase diversity. This should not lead to the dilution of genuine local knowledge in favour of special interest groups. Please not previous problems within other charities eg the RSPCA taken over at high level by vegans with anti livestock farming aims and the National Trust with a membership scheme that enables expensive debates on anti hunting with hounds and shooting on land donated with that specific proviso. Ecological provisions should as badger culling should not go the way of vaccination as on National Trust land locally leading to loss of balance and diversity. The IMP should be seen to be independent and have at least 5 members. Combining could enable one area to dominate all the others. No problem with the wider area but not beyond. The INP should not focus on health and safety there is a risk they will not know enough. 9 years for an appointment is fare too long. 4 years is long enough.

I'm not entirely supportive of the notion of voting online (until other governmental elections are done that way). My preference would be to have the voting with the Council Elections, but if the necessary access to the electoral register could be provided then postal (not online as identifying individuals from the electoral register will be too difficult) voting in November would be acceptable. In the event of a series of resignations then I think a set of elections should be held rather than filling by INP. E.g. if several of the elected Trustees were to resign together, it would be unfortunate and give a very bad impression if they were replaced by the INP rather than election.

I understand this proposal and there is always a tension with membership organisations. As someone who has worked extensively with Voluntary Organisations I would favour 7/5 in favour of members, however i think it is imperative to good governance that The Chair and and Chair of Audit Committee are independent trustees and I can see no reference to wether this will happen I appreciate why this is being done however it may mean as fare as I understand that all the trustees could come from say 2 wards ??? I would like there Wider Malvern area described e g Tewksbury or Cheltenham etc . The area of benefit I think should be defined and is not clear

Para 2 (above) With a minimum eight trustees - to efficiently accommodate both a quarter retiring by rotation and the 'half and half' ratio of elected and appointed trustees. Para 3 (above) THAT IT BE MANDATORY THAT A MINIMUM OF ONE OF THE APPOINTED TRUSTEES BE ASSIGNED A LIAISON ROLE COVERING THOSE PARISHES WHERE THE TRUST HAS LAND - OR WHERE TRUST LAND LIES WITHIN ONE MILE OF THE BOUNDARY OF THE PARISH - BUT WHICH HOLD NO VOTING RIGHTS (ie non-levy land) Para 8 (above) Election process: In order to protect personal data and to minimize the possibility of electoral fraud, Option 1 as shown on p20 of the Consultation Document should be retained. Para 10 (above) Appointed Trustees and Temporary Trustees nominated by the INP must receive approval by the Board of Trustees as a whole, by special majority Constitution of Proposed INP: The INP should be a minimum of five persons and a maximum of seven persons. The initial INP should be approved by the existing Board of Trustees, by special majority. Subsequent members of the INP may be selected by the INP but must be approved by the Board of Trustees as a whole, by special majority.

If we look at the proposed primary objectives of the charity a) to protect, conserve and maintain the landscape character, habitats, geology, archaeology and cultural landscape of the Malvern Hills I think its is very apparent that by definition the people best placed and skilled to fulfill this role are likely to come from the local area. Historical and cultural knowledge is in itself a big asset to the charity and appears not to be valued in your proposals. Yes specialist professional skills are needed but in reality these are qualities that can be brought in to supplement the skills of the officers as and when required. I am not sure that they need to be on the board as voting members. The case for a board size of 12-15 is convincing. I do not like the independent selection panel and feel this whole section needs re-assessing. Hopefully you may get some alternative viable suggestions from this process to try and find a solution whereby the charity can move forward and take the majority of the people with it.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

I agree that the current board of 29 is too large and that it needs to be reduced. However the board should maintain the current elected representation with 10 board members (one per ward/parish) being elected from the wards of Chase, Link, Priory, Pickersleigh, Dyson, West Malvern, Malvern Wells, and the parishes of Gualford, Colwell and Mathon. Nominated members (one each) should be taken from Worcestershire County Council, Herefordshire County Council and Malvern Hills DC. Where special skills / experience are required, people with these attributes can still be recruited but would be non ex e broad members with NO voting rights.

Despite you best effort, reducing the Board size will make it asier for specisl interest (e.g. commercialO groups to gain influence on the Board.

it is important that the board represents a wide body of opinion especially represent those whose lives and environments will be affected by the decisions of the trust board

it is important the board is of a suitable size to allow a wide range of opinions and discussion also it should ideally be elected from those areas it is responsible for to allow the feelings of those most effected by its decisions to be understood correctly

There needs to be an odd number of board members, I would suggest a minimum of 13 so that the CEO does not need to have the casting vote. Further, as I pointed out at a meeting last year, Castlemorton Common represents approx 20% of the Trust's land area and I feel it is important that at least one board member is a resident of the Common and elected by the residents How can we be sure that an independent panel is independent, when "actively sourced" by the current employees of the Trust? The major issue at the moment is that the residents are represented by people who do not live here so I am against the wider Malvern area

the board should be larger than 12 to allow a full Ange of opinions . Also it should be fully elected from the areas that its land covers

I agree the board should be reduced, I think it should be a minimum of 12 maximum 15 No taxation without representation.

With respect to the INP, once formed, appointing its own successors, how would we be sure that the INP only proposes candidates on the basis of their skills rather than a specific (political?economic?) agenda in mind? Re the interim vacancy of elected trustee, surely this is not necessary if the trustee numbers are still within the Charity Commission recommended board sizes?

Anyone who has common rights on the trusts land should be allowed to vote for trustees or stand for elections to be a trustee. Those people who are not allowed to pay the levy but have rights to use the Commons for stock and access to their property and land should also have rights to vote regardless wether they pay a levy or not.

Do ensure democratic accountability a majority (even if just one) of the bord should be elected rather than appointed e.g. 7 elected and 6 appointed.

The size of the board should be reduced to 15 trustees ,but not by an independent body and certainly not by 6 appointed trustees as this would lead to a closed shop scenario and communication with the trust is difficult enough at present it would become impossible if this were allowed to happen

I recognise that too big a board is impossible to coordinate efficiently, or make clear decisions. The loss of individual parish representatives is a problem, some sort of geographic responsibility is desirable. However it would be better if, say, a larger voting area returned two representatives rather than just one, as that means that you are reliant on one person to represent any concerns. . However, there should be a casting vote which comes from elected representatives. There is also a major constitutional issue if you introduce the concept of membership. Does a member have more or less voting rights or influence than a precept payer with a representative? Or do they just receive an email newsletter? This needs to be properly understood and described and put out for consultation in its own right.

**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

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b) Minimum of 8 trustees in total. c) Of the appointed trustees, at least one to be assigned to act in a liaison capacity for the parishes where the Trust has land, residents cannot vote for an elected trustee. h) Elections: Option 1 on p20 of the Consultation Document to be retained. j) Trustees, or temporary trustees appointed by the INP should receive Board approval by special majority. INP: There should be a minimum of 5 members of the Panel, suggest a maximum of 7. Initial panel to be approved by existing Board, by special majority; subsequently INP members may be selected by the sitting INP, but must be approved by special majority of the full Board.

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Candidates from the local Malvern area should be in the majority e.g 7/5.

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11 trustees would be preferable to 12, minimising the potential for tied votes. Although the proposals to simplify the election appear appropriate a more radical solution might be to dispense with direct elections entirely. Malvern Hills District Council and Herefordshire Council could simply nominate councillors to be trustees, providing a means for accountability for their funding of Malvern Hills Trust. Arguably that provides a more effective democratic mechanism than the current electoral arrangements that have typically seen low turnouts and lack of candidates to stand for election.

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I agree that the size of the present board is unwieldy but my reasons for disagreeing with the remainder of the points is that there seems to be a fundamental shift in emphasis as to what the board of trustees is for. The need for a 'business approach' to the board make up would appear to be in line with later proposals that the trustees are going to be managing a business making enterprise rather than one with the aim of preserving the land in its care. Hence the need for 'specific skills' in the make up of the board. There would seem to be a requirement here for more careful thought. The language used in the questions is confusing. There is the use of words -Board, trustee, and Trust and they seem interchangeable so that answering the questions is perplexing.

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I can fully appreciate why there is a desire to reduce the size of the board from the present 29. However, I do not agree with the reasoning behind most of the remaining points which allow the opportunity for misuse of power and is open to abuse. For example, 'the removal of a trustee for gross misconduct or long term ill health' seems valid enough but this also means that if a trustee has a viewpoint that is influenced by the opinion of precept payers then that trustee might be accused of gross misconduct because they are not, in the opinion of other board members 'acting in the best interests of the Trust. Hence I have changed my opinion from 'agree' to 'disagree'. Your term 'any good reason' is too vague and allows for the abuse of power referred to.

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**Please use the box below if you wish to comment further on our proposals to update the way trustees are appointed (Please use the box below if you wish to comment further o...)**

Q.4 There seems to be throughout the document an assumption that just because the legislation dealing with the Hills is old, it must therefore be swept away, for example on p.11 of the consultation document : "The arrangements for appointment of board members are contained in the 1924 Act and are therefore almost 95 years old." I do not agree that wholesale replacement is the answer, it would be better to have parliamentary scheme which recodifies the legislation, taking account of modern good practice. I am deeply concerned that a statutory body, with tax levying powers is being turned into a charity. I do not know on what basis I should be expected to make a compulsory payment to a charity but I do not think this is legal and I will ask for an investigation if it is carried out. The proposals recognise that representatives should be elected but then seek to muzzle them by saying that, once elected, they are bound to act in the best interests of the charity and not necessarily in those of the people who have elected them. This is against the principle of no taxation without representation. Representatives must reflect the views of those who elect them, not necessarily the interests of the charity. I think this will not lead to good decision making. Take the recent case of the developer who wanted to cross conservators land and promised a big payment: there were many people who were very concerned that the interests of the Conservators (plugging a big gap in the pensions fund) would lead to the decision going in favour of the developer. If this came up under the new arrangements and it was judged essential for financial survival that the Charity acted to the developers proposals, how could local people influence the decision if the decision makers are hampered by their obligation being to the charity? I do not think it is a safeguard to have other independent people who may have no roots in the locality coopted onto the board, in fact I think it is a democratic shortfall. By all means create advisory panels of experts but they should not be involved in the decision making. The issue of inequalities in the size of electorates is not resolved by combining the areas into a wider board, it loses sight of the principle of localism especially when the idea of allowing people from the wider Malvern area is included. The Conservators have never managed to publicise elections effectively and have made no efforts to widen the pool of candidates. To then complain that good people don't put themselves forward is to mistake the symptom and the cause. Having elections at the same time as district elections, wider publicity, better promotion of the Conservators all year round and effectively making the case for more involvement would bring more involvement and a wider pool of local people. Postal voting is a possibility but is costly and unproven in the UK as the sole means of conducting an election. Events have already been held for new candidates, before the scheme is settled, which must be ultra vires expenditure and is something else I would like clarified. The INP is a curious proposal - it looks like a mechanism to 'get the right people on the board ' under the control of the Board Secretary. Why would people want to be on this group, and yet not want to be Conservators themselves? The proposal for a 9 year term, while it is mentioned in the Charity Code of Governance, goes against the fairly widely held principle, as far as I am aware, that charity trustees and members of public bodies should hold office for a maximum of two terms , each of three years and renewable subject to performance review. 9 years is too long.

I wonder whether a separate elected body would be better and the elected body select the board. This would be similar to the national trust who has a 36 member council half elected. Who then appoints the board

It's important to have representatives elected from the area.

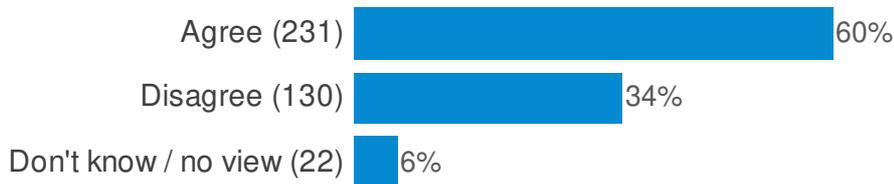
Concern about the move away from democratically elected representatives. Useful to have expert advice but they could be advisory rather than board members.

for as long as the public pay a Levy, all Board members should be selected for their skills interviewed by an independent body and then face election by public vote

MHC (MHT) is unique and has survived for over 100 years partially due to the broad range of interested individuals on the Board. The proposal to reduce the number is rational, however I believe that 12 is too few, especially when read in conjunction with the accompanying change in composition. A halfway house of say 20 trustees may be a more appropriate number, together with a commitment to review the success of such in 25 years (there is no rush to have all the proposed changes implemented in one go, and if 20 proves to be unwieldy, then revised proposals can be tabled as long as no detrimental impacts have been recorded)

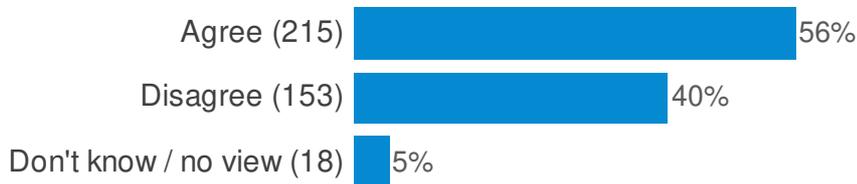
**Modernising the Board’s administration - Page 24**

**(A limited number of trustees should be able to take part in meetings remotely by televisual or other electronic means whereby all participants may communicate simultaneously)**



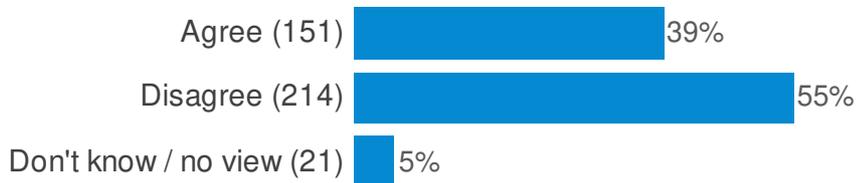
**Modernising the Board’s administration - Page 24**

**(The trustees should be able to make urgent decisions by unanimous written agreement without the need for a meeting)**



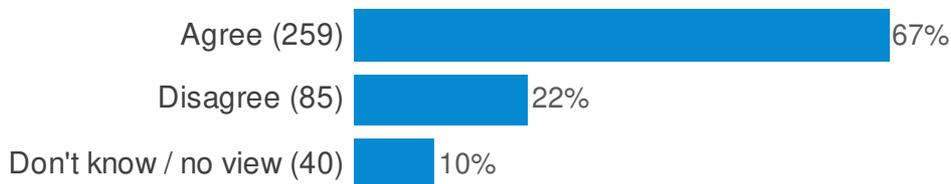
**Modernising the Board’s administration - Page 24**

**(The Trust should not be required to admit the public to Committee meetings, but any decisions made should be reported at the next Board meeting)**

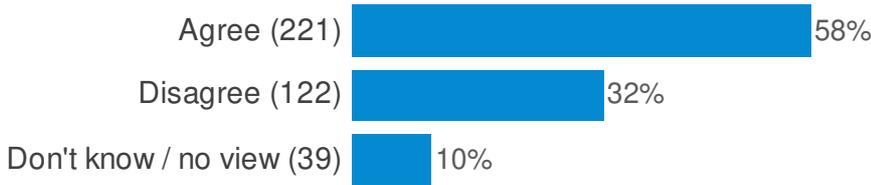


**Modernising the Board’s administration - Page 24**

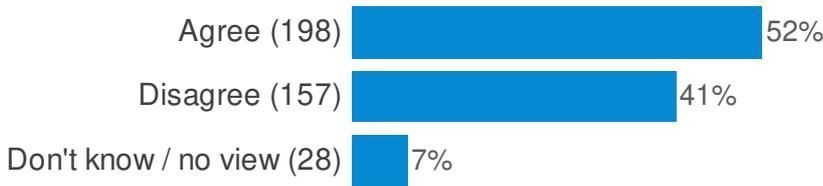
**(The Board should appoint the Trust’s auditors)**



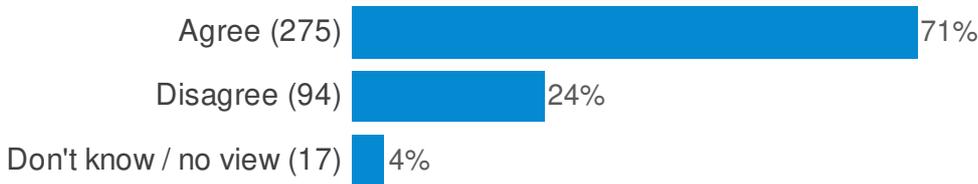
**Modernising the Board's administration - Page 24**  
**(The Trust should have a power to set up a membership organisation)**



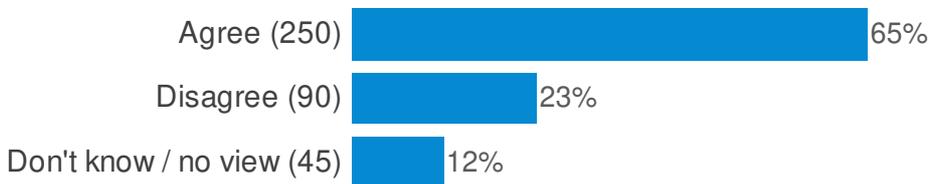
**Modernising the Board's administration - Page 24**  
**(The Trust should have a general power to do any lawful thing not expressly prohibited by its Acts)**



**Modernising the Board's administration - Page 24**  
**(Trustees should be able to reclaim reasonable out of pocket expenses, as trustees of other charities can)**

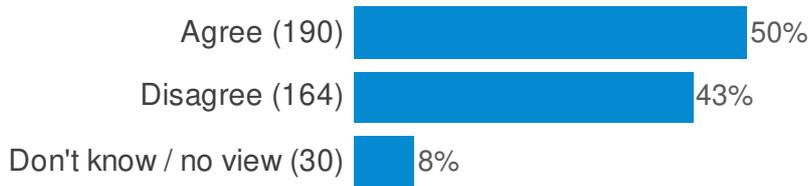


**Modernising the Board's administration - Page 24**  
**(The Trust's existing powers to borrow money should be consolidated)**



**Modernising the Board’s administration - Page 24**

**(The Trust should be able to secure borrowings against its Ancillary Land and against revenues without seeking the consent of the Secretary of State )**



**Please use the box below if you wish to comment further on our proposals to update the arrangements for the Board’s administration, including the list of generic powers set out on pages 28-29 (Please use the box below if you wish to comment further o...)**

Important that views of Trustees are heard by all members, not just write there own prejudices. We are meant to be open to the public scrutiny let it continue. Not sure that a general power would be used wisely and consistently in all circumstances. Expenses not appropriate, and it will mean additional audit effort - keep it simple.

Whilst fully agreeing the Trust should have the ability to raise money, I would want to see some form of appropriate environmental standards to be specified for such enterprises e.g. no use of plastic bags to bag up compost, tea room run with zero waste policy or zero plastic policy (including use of tea bags and other 'hidden' plastic sources), and use of sustainable power sources. Avoid use of recyclables, as there is no guarantee they will actually be recycled, and it can be too easy an option when appearing to be 'green'.

Public should attend all but confidential meetings on personnel matters. Board could/should recommend auditors bu not appoint.

The working of the board should be open to public scrutiny at all times.

trustees should be able to take part in meetings remotely: How silly, the decisions and discussions whould be made in the shadow of the hill which are to be impacted. (not from the office of some London expert) urgent decisions by unanimous: Whats wrong with the urgent business committee made up of the chairman and, and chairs of the other committees'. not be required to admit the public to Committee meetings: Meeting can currently be held in private by vote of the committee. membership organisation: yes I can understand the desire and demand. But MHC/T is not primarily a charity. It is a land management organization, that draws on the precepts of the local people. People can volunteer, and gift money is they are so motivated. Reasonable out of pocket expenses: moving firmly into the charity sector where the management receive significant reward based on the contributions of others. There is no need for this, local people will not be travelling far and therefore won't need their expenses covered. However if you are getting experts on the board, then I'm sure they will need cost of travel from long a couple of meals and a night in the abbey. The Trust should be able to secure borrowings: NO NO NO NO. this opens up land to be disposed of. Senario, MHC/T invites expert onto board to recommend investment in money making good cause scheme. The expert is in league with a developer who has an interest in woodfords meadow, and recommends the borrowing is secured against that field, O the scheme is a disaster, and woodfords meadow is lost to the people of malvern.

you act as you are law onto your self with more requirements

The trust should be open to precept payer and public scrutiny and all meetings except those where there are other conditions to be considered should be open to the public. The questions are constantly referring to the trust as a charity and whils5 this may be the case it is also a public body. Do not forget that the main area of funding comes from taxation through the precept and this makes the need for the public to continue to have a right to ask questi9bs and see the trust in acti9n.

Re remote attendance at Board meetings, I think the qualifying percentage of members to be actually present is too high; I think 50% would be fine.

## Malvern Hills Trust consultation

**Please use the box below if you wish to comment further on our proposals to update the arrangements for the Board's administration, including the list of generic powers set out on pages 28-29 (Please use the box below if you wish to comment further o...)**

The public must not be prevented from attending meetings as this reduces democratic accountability. The Trust should not be able to borrow against ancillary land.

This whole consultation process ignores the fact that the MHC is a statutory body. It is vital that the democratic link in the the form of openness and accountability is maintained. Abandon the precept and you can do what you want. Keep it and allow the democratic process to continue.

The Public should not be excluded from Committee meetings as this will make the Trust less accountable and risks undermining the confidence of the Public in them. This is particularly important where precept payers are concerned. It is unclear what benefits a membership organisation will have, but whatever they are, the precept payers should have at least the same benefits.

To exclude public precept payers from meetings is a disgrace. It seems they wish to do things behind closed doors. What are they trying to hide?

A trustee could move to Devon and still actively take part in MHT without turning up. In the interest of transparency maybe the Board should consider video conferencing meetings. I think Easement issues for planning should be held in public a membership organisation was set up in 2000 Lawful issue is too open ended.

I would have liked to have seen some more details on the proposed membership organization, however the principle is sound.

Yes, at last a membership organisation -long overdue!

A membership scheme may have unintended consequences. Other charities have been 'ambushed' by groups of members with particular grievances, eg National Trust, RSPCA

I agree with all the points expressed in Q6 but feel unqualified to express an informed opinion on some financial matters - although they seem very reasonable.

How many or what proportion would a 'limited number' be (1st question). How many would be required to make the 'urgent decisions'? I think this could lead to bias or even corruption. Define 'membership organisation' - what would it be empowered to do? Open Committee meetings please. What amount of out of pocket expenses is reasonable? There should be caution with this and an upper limit per annum set.

- General powers are too broad - Borrowing is detrimental to the long term good management of the trust

Many of these proposals represent an unacceptable reduction in public accountability. It is completely unacceptable that committee meetings in which decisions are taken should exclude the public when MHT receives funding from a compulsory precept. A membership organisation is not required, MHT is answerable to local precept payers not completely unconnected people who will then get a voice in decision making. The proposed provision in relation to a general power is far too loose and open to abuse. Mortgaging with a power of sale is incompatible with what should be the objectives of the conservators. It runs the risk of less careful decisions being made about land swaps and seems irrelevant. MHT has plenty of money to spend on its objectives but doesn't have a reason to spend it.

Not convinced by the membership argument - don't understand why the MHT isn't talking to the general public at the Three Counties three main shows.

The Board should not have the right to exclude members of the public from meetings, which has happened on numerous occasions recently under the guise of confidentiality. This is a reason many precept payers have lost trust in the Conservators. The Board is trying to present itself almost exclusively as a charity and playing down its role as a public body.

Tight control of remote involvement in meetings/discussions necessary. Committee meeting minutes should be available on-line Membership organisation ? good idea but what structure / involvement / benefits ? ....Complement other local groups ?

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These proposals further remove the local element of representation and encourage membership of the Board by individuals who have no local interest and can operate remotely. This is not conducive even to the proposal that Board member should have a local liaison role.

These proposals will make the Trust even more remote from local people. Why is there a fear of public access to meetings, particularly as a large percentage of the funding is from local people through the precept. The proposals for a membership organisation to facilitate greater engagement with those living outside the levy-paying area is paradoxical as the engagement with levy paying individuals is being reduce - e.g. no access to board meetings, no direct representation, the objects of the charity taking precedence over any local requirements.

EHT regards these as sensible steps

The proposed extension of the Trusts Power is unacceptable. They will have far too much power to make decisions which would be very UNDEMOCRATIC.

The extension of the Trusts' powers will give them far too much power to make decisions which could result in it being used in ways inconsistent with the intentions of Parliament when the Acts were drawn up. Any meetings, electronic or otherwise should be held in public, with attendance of all Board members and open to scrutiny. It is undemocratic to disallow the Public to attend meetings especially when they are expected to pay the Precept.

I understand why the Trust would want a membership organisation but could those living in the levy-paying area pay a discounted joining fee?

The public must be able to attend any meeting as we the Malvern public pay for you the trust to run?

In the interest of transparency, especially as the Trust has a tricky relationship with commoners, I think that the public should be able to attend meetings.

The facility for members of the public to attend meetings is valuable democratic arrangement particularly for those who fund the public body through their council tax precept. What have the Trust wish to hide?

Remote access is reasonable but the amount is not defined. It would be reasonable to require a maximum for remote attendance, perhaps no more than 20% of the meeting attendance? Unanimous urgent written agreement should be enabled only if it is simultaneously made public. The public must have access to all meetings as must all of future members. Such a suggestion is of some concern. The appointment of auditors should only be with the trustees if there is a clear policy of rotation/periodicity for the auditors to be changed. The trust is bounded by the purposes for which it was founded and should neither seek nor accept "general power." The level of expenses outlined in the document are both too broad and expansive. Detail for all costs must be specific and date, time and output related with a clear authorising signature. The trust should continue to be bounded by the Secretary of State in respect of borrowings.

This would further reduce the local nature of the Trust by encouraging Board members from well outside of the Malver area because they do not even have to attend meetings but can dial in.

Th Public should be admitted to meetings for reasons of transparency and to ensure that local opinion is considered - particularly as a substantial proportion of funding comes from local Council Tax payers.

The Trust needs to remember it is more than a Charity: it is also a statutorily established tax-raising body. Denying the public access to Committee meetings fits ill against the Nolan Principles on public life. The suggestion that the Trust should be given carte blanche powers to do whatever they want irrespective of their responsibility to their tax/precept payers is frankly disgraceful

'The Trust should have a generall power to do any lawful thing not expressly prohibited by its Acts' - Needs re-wording to refer to the need for any lawful thing to be in pursuit ONLY of the Trust's stated aims as set out already.

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The positions for 11 directly elected trustees should be retained. The total number of trustees should not exceed 20. As the trust is a public body, largely funded by the precept payers, it should be run on democratic principles. 'No taxation without representation.' Also, the Trust must be required to admit the public to all Committee meetings, so that we can scrutinise its deliberations and decisions.

I strongly disagree with the proposal that the trust might decide not to admit members of the public to Committee meetings. It is vital that the Trust remains full transparent and accountable to the local residents and precept payers.

My experience both as a Trustee and as a solicitor is that meetings involving more than 3 people cannot be satisfactorily conducted remotely; they are likely to be disjointed and indecisive.

A general power is worrying far too wide. This would give a legal right to current questionable practices of charging for "licences" for organised events, drone flying etc. These should be specific rights granted only by Parliament in By-Laws, or such charging not allowed.

Proposed extension to trust powers are disproportionate to what the trust should be trying to achieve and could lead to the trust being sabotaged.

The Trust should admit the public to their meetings except when matters that are confidential are to be discussed. j k (page 29) It should NOT support or set up any other charity. m (page 29) If a membership organisation is set up, members outside the area should not be eligible to become trustees.

The MHC should never be able to borrow money against the land. It is not their land to risk. This is completely irresponsible.

I have reservations as to the effectiveness of communication both to and from a meeting around a table and a remote individual. I think this method should only be used where justified by circumstances i.e. that there is no other way that a decision can be taken when it is required. I also feel that urgent decisions based on written submissions should only be used exceptionally where circumstances necessitate it.

The list includes some items that are rather worrisome (g, h, k, and particularly (m)). These would be included if the resolution were passed, so it is not a case of selecting ones deemed inappropriate, it is all or none. Why exclude the public? Again, worrisome - maybe for no reason, but that is how it comes across. Would rather all rejected than include those mentioned.

Trust members should be able to claim reasonable expenses. Otherwise only wealthy people will be able to afford to be trustees, and this is discriminatory

Q 7 Far too wide-ranging. The Conservators (aka MHT) are primarily a Public Body set up by Parliament and only comparatively recently became a Charity as well. Why do these questions refer to Trustees behaving like those of 'other charities'?

Q7 Far too wide-ranging. The Conservators (aka MHT) are primarily a Public Body set up by Parliament and only comparatively recently became a Charity as well. Why do these questions refer to Trustees behaving like those of 'other charities'?

The Trust's inability to establish a membership organisation has been a major inhibitor to the sort of public engagement that is vital to the Trust fulfilling its objects in a fulsome and progressive way. This is a literally vital power. It is unreasonable to expect the Trust to meet the future, unanticipated challenges to the discharge of its objects without a general power of competence such as that enjoyed by almost all other public and charitable bodies. Restricting the power to be used only in the furtherance of its objects is a sound precaution. The Trust must remain alert to the requirement for decision making meetings to be held in public. This may represent some challenges in relation to remote participation. Will the rules for quorum be the same for urgent written decisions. Is unanimity defined by all trustees or only those participating in the written decision making? All the powers in the list of administrative provisions a - w are entirely reasonable, if not essential, to the proper functioning of a body engaged in stewardship of public assets

Trustees should turn up to meetings. Never been able to reclaim expenses before.

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Of my disagreements: the first: if there's no representation for the those that pay non-elective taxes, then there the public should be able to attend Committee meetings: transparency is all - see the design of Council Chamber in WCC, and the Reichstag, Berlin. The second: many of the major public company failures in recent years have been because of the connivance of Boards and auditors: isn't there legislation on the books about this? The main principle is to break the link between the audited and the auditors. And the third: borrowing against ancillary land, yes, but not against the revenues, if revenue means the tax base. Otherwise you just end up like national governments, raising taxes to pay off debts - think Greece! So ask the SOS for borrowing against revenues alone.

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The trustees need to remember that they are a statutory tax-raising organisation. As such, they should actively implement the Nolan Principles. Allowing decisions about the use of precept-payers money without allowing them in to meetings smacks of North Korea, not South Worcestershire. The banning of the public from Committee Meetings in a disgraceful proposal.

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Public right of access to an elected/charity body is a prerequisite of all charities, any charity commission welcomes outsiders to attend its meetings as observers and given the nature of the Trust it should be open and transparent. This means the right of an interested party to attend any meeting that they feel is relevant to a topic they wish to know about. closing meeting to the public will raise suspicion that you are "up to something" even if you are only acting in the best interests of the Malvern Hills.

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Any "urgent" decisions made must be truly uncontroversial. If there is any doubt or it is challenged, these decisions must be voided and taken to the next board meeting. The public should always be admitted to committee meetings (with the exception of exempt matters). There is no valid reason not to allow this - the Trust is largely funded by local taxation. An express power to close a meeting to the public is heavy handed and unnecessary. There are no historic examples of undue disruption by the public, trustees must expect to be under scrutiny when making controversial decisions.

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If a meeting to which the public is entitled to attend is to be held in any way other than by all participants being present in the room, then the public must have the same 'other access' as all the participants – to see and hear exactly what they see and hear. Also, when a member of the public has asked a question, then all participants must be able to hear the question asked and the reply, as if they were in the room. The informal meetings between Board members and officers, which already take place, can take place in private and (rightly) no minutes are required. This is an opportunity for trustees to discuss certain matters openly and frankly. When trustees meet formally as a committee, the public should continue to be admitted, especially so that dissenting views amongst trustees can be heard. It should be confirmed here that full minutes of Committee Meetings will be published on the Trust's web site. I support the power to set up a separate enterprise to raise funds for the Trust. However, there needs to be protection against the risk of losses and against staff time and resources being diverted 'free of charge' in order to run the enterprise – disguising its true financial position. Apart from a one off (repayable) loan to set it up, the Trust must be specifically disempowered from underwriting or guaranteeing any of the debts or borrowings of the enterprise, and from making further loans to it. Any use of Trust staff time and resources must be identified for in the Trust's accounts and paid for by the trading enterprise. I see nothing in the Acts that requires the Trust to 'promote a better understanding of what the makes the Malvern landscape special' nor any requirement 'to engage with the wider public'. As I have said elsewhere, their original objectives are quite clear and are simply about getting on with managing the land for which they are responsible. The Trust has a limited budget and it needs to concentrate on its legal obligations and avoid unnecessary peripheral activities. I have no objection to the Trust setting up a Membership Organisation, providing its objective is to bring in additional net income. In which case, it should be part of the proposed separate trading enterprise. I do object to a Membership Organisation being run by the Trust as part of its mainstream activities. Many charities may have a general power. However, the Trust is not like other charities. It is a small charity, with well-defined objectives, responsible for looking after 3000 acres of common land. Unlike other charities, it already has the power to make bylaws for any of its purposes (Section 10, 1884 Act) No case has been made for a general power being necessary. The power to make bylaws in order to carry out the Trust's purposes is sufficient. Further, on page 77 the Trust seeks the power to amend the scheme by application to the Charity Commission. A general power is not necessary and is open to abuse, because the use of it might have to be challenged by individuals or small organisations who would be at a financial disadvantage in arguing their case. Further, this proposed power does not limit the Trust to general powers to carry out its objectives, but gives it power to do anything not expressly prohibited. This is virtually a carte blanche do anything. This request for a general power should be refused. Some senior people employed in public organisations or private or public companies may be entitled to 'reasonable' expenses as befits their seniority in their role. For example, first class rail travel, extensive use of taxis, 5 star hotels, high budget evening meals with wine etc. I have heard of a member of one medical organisation who lives in Malvern who travels to meetings in London by taxi and the taxi waits in London all day to take him home. 'Seniority' should cease in anybody's role as a trustee and more modest levels of expenses should be set as part of any Charity's expenses policy. Any expenses claimed should be required to be supported by receipts. Item g. For trustees to be independent they should have no financial involvement in the Trust's affairs whatsoever. Even if they, or some organisation they work for, have valuable expertise, it will not be unique, and another supplier should be sourced instead. If it essential to use an individual or their associated organisation, they should stand down as a trustee and be ineligible to be elected to be appointed again afterwards.

Q7 Far too wide-ranging. The Conservators (aka MHT) are primarily a Public Body set up by Parliament and only comparatively recently became a Charity as well. Why do these questions refer to Trustees behaving like those of 'other charities'?

One could claim that holding a pop festival on the Hills to raise money is in furtherance of the aims, and I think would be permitted by "any lawful thing". However I would strongly oppose such an event.

Full minutes, not just decisions should be available to the Board and therefore the public at Board meetings. Just because other charities have general power, why should MHT? This needs justification.

Will the minutes of committee meetings also remain confidential?

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Any "urgent" decisions made must be truly uncontroversial. If there is any doubt or it is challenged, these decisions must be voided and taken to the next board meeting. The public should always be admitted to committee meetings (with the exception of exempt matters). There is no valid reason not to allow this - the Trust is largely funded by local taxation. An express power to close a meeting to the public is heavy handed and unnecessary. There are no historic examples of undue disruption by the public, trustees must expect to be under scrutiny when making controversial decisions.

"Proposed to seek a general power to cover any possible omissions"- NO! Too wide, open to abuse. Reference to "very old fashioned language" obscures the fact that the language of the Acts is very careful and precise for good reason. Is the intention of the proposals to correct "completely out of date" provisions or to grant Board huge new powers under the guise of mere harmless modernisation? I am very unhappy with g, h, j, m u, v and possibly q, which I don't understand. Main objection is that provisions are too vague, too wide and open to abuse. Re g and h, I don't pay council tax so that the Trust can set up commercial activities such as charity shops and selling souvenirs.

Re electronic communication - No member should be allowed to cover all meetings electronically.

Since the Malvern Hills Conservators are a public body funded by ratepayers democracy requires that the public should be able to attend all meetings, except when a confidential matter is being discussed. Further a new clause should be added requiring the Trust to act as though it were subject to the Freedom of Information Act. The Trust asks for powers to set up a Membership Organisation, but seems to have no idea of what form this will take. So add "subject to the approval of the Secretary of State". If a DO ANY LAWFUL THING general clause there to be added there should be safeguards to prevent abuse.

In the interests of transparency and democracy all decisions should be made through meetings to which the public are able to attend.

I feel that as the general public are paying for the Trust they should have greater access to decision making. The Trust needs to be transparent and fully accountable to its financial providers. As I know from personal experience elsewhere it is very rare for the public to bother to attend committee meetings unless there is a contentious issue which affects them directly. It is too late to only see the decisions when the minutes appear. There is nothing wrong with a member of the public asking a question (with a time limit) at a meeting.

Meetings and access to these by the public are a necessary event for transparency and effective decision making

The Trust should still allow public to the Board Meetings.

Excluding the public from committee meetings is tricky because the more paranoid critics will assume that it is to hide inconvenient truths rather than enable free discussion. I suspect many will not understand that decisions taken by committees must be brought to the board and therefore can be seen by the public. I think that will need a bit more selling...

Keep it simple - electronic meetings might discourage attendance and local involvement. Trustees should attend regularly and have an affinity for the area and the land. Of course the public must continue to be permitted to attend meetings. It is after all the public via the precept payers that fund the trust and they have a right to have their voices heard. This also gives transparency to the meetings and will stop any accusations of secrecy.

All expenses should be made public.

As the Trust, with best interest of the charity must fulfil its purpose for the PUBLIC benefit it is deemed essential that locals, residing in the wards, are allowed to attend meetings.

The trust with its purpose for the public benefit should allow locals to attend meetings.

Payable of expenses should be rigidly controlled and overseen to prevent a similar fiasco to that of MP's expenses.

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Concern about the cost of new governance - over £100 has been spent already. The cost of the consultation should be weighed against the benefits and be part of the consultation to enable the public to offer an opinion. In view of the presumption that the Courts will take a pragmatic decision in the light of current legislation, may make the consultation a waste of effort.

Membership organisation excellent. When I was on the Board I can think of two definite occasions where a decision was influenced by members of the public being present. Why should the Board need to borrow money, when it has millions of pounds invested? Dangerous path for a public charitable organisation

"The trustees should be able to make urgent decisions by unanimous written agreement without the need for a meeting" seems to be unnecessarily limiting. If only one person is unavailable due to, for instance, illness or holiday, then the urgent decision cannot be taken. Similarly, the complex requirements regarding electronic participation are limiting. The Charity Commission rules allow for meetings to be held remotely so long as the people can see each other. In this way, normal voting rules apply. I would like to see Q6 parts 1 & 2 combined to simply allow the Trust to follow Charity Commission rules applying at the time.

The underlying purpose and need for a membership organisation and potential membership benefits needs more detail and discussion. For example is it envisaged that membership benefits would include improved access to Trust land, eg closed areas, reduced parking charges, or greater consultation on issues than was provided to the general public?.

Your proposals say nothing about the national Code of Conduct, or the Nolan Principles. Only the person declaring an interest truly knows the circumstances. Either you have an interest or you do not, and the idea that anyone else can judge whether you have one is ludicrous. The duties of the Trust are clearly specified. The idea of a general power overrides the point of objects!

"Electronic means" is too wide a description. Seeing people face to face is important. If getting to meetings is difficult, should that person volunteer to be a trustee? Urgent decisions require proper discussions, which cannot be carried out by email. Obviously I would say that members of the public should be admitted to committee meetings. A report sent to the Board meeting is inevitably a precis and would not cover all the points discussed or how; Who composes the precis? Members of the public are all too often asked to leave for 'confidential reasons'. Does the Board realise what impression this gives? The MHT should not have the power to raise funds by subscription, listed as f on page 29. The MHT is a public body with charitable status supported mostly by levy payers. Adding membership to the mix would be difficult and contentious. It was significant at the workshop that no method of putting this into practice was set out. The clause about having a general power should be deleted, as it is too sweeping and could be misused.

A public body should be open and transparent and allow the public into meetings

Use of such televisual/electronic provision as they see fit.

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Democracy requires open, accountable discussion at Committee Meetings -- why the apparent desire for a secrecy culture ? For Q6, the promise on Page 31's paragraph entitled "Benefits of change" that "The proposed wording set out below is expressly limited to furthering the objects of the Trust" is not reflected in the wording of the Question in the box: that needs to be expanded to include this limitation so that this part of the Document is so limited. Similarly, in a paragraph also entitled "Benefits of change" but this time for Q7 on Pages 28 and 29 and much more lengthy, both the proposal "to seek a general power to cover any possible omissions" and the whole List in the next paragraph need to have the same express limitation included in them to be acceptable for consideration. When this has been done, the List needs to be resubmitted for proper Consultation of the proposed powers in it. Indeed, "Q7" (above this box) should be treated just like other Sections in the Document by giving it the title "Administrative powers -- Pages 28 and 29" in bold above the text. Then set out below the text should be, in tick-box format, individually each of the 23 proposed "following powers" (you also call them "generic powers", listed from "a." to "w.") just as used in the previous Questions. Each proposed power needs much better explanation, with a view to justifying why there has to be such wide-ranging expansion of the Board's powers over and above those in the existing Acts. This must be done to avoid the accusation that Section "6. Administrative Powers" is like the original Trojan Horse -- sneaked in by looking innocuous but actually filled with danger for the locals. Until this has been done, please record my "Disagreement" for all 23 of the powers proposed.

It is considered reasonable to expect trustees to attend meetings in person, particularly if the claiming of expenses is to be permitted. There is otherwise the possibility that some trustees may never or hardly ever attend in person, hindering the formation of effective working relationships.

Committee meetings should be open to the public unless a decision is taken to the contrary for an appropriate reason on the item of business, which should be given at the meeting. It is agreed that The Trust should have a power to set up a membership organisation so long as precept payers are not disadvantaged by said membership. It is agreed that The Trust should have a general power to do any lawful thing not expressly prohibited by its Acts providing that it is consistent with furthering The Trust's purposes and providing that the Board is appointed as in question 5 and is properly constituted as per our comments above.

See my comments, with regard to the previous question.

Modern communications enable quick, electronic meetings. By establishing a quorum, decisions on urgent matters can be made.

I have worked for charities all my life & not claimed any expenses (I am not wealthy). I am suspicious of those who do.

I see no reason why 75% of the trustees need be present. With increasing use of technology the number need not be so limited.

Public should not be excluded from committee meetings. This is yet another move to make MHT less democratic. Why should meetings be held in secret when MHT is working for the public good? The general power to do any lawful thing is too vague. This could be something that the public would not want.

Committee meetings should be open to the public just as now. The proposed "general power" must be "expressly limited to furthering the objects of the Trust" as you promised on page 31 of the document (but seem to have forgotten to carry forward to the 5th sentence in Q6 above).

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The idea of some Trustees attending meetings remotely is fine. The trouble is that an organisation which has proved unable to turn microphones on as required in public meetings, and which has already held public meetings which were completely inaudible, is unlikely to be able to make remote contributions to their meetings accessible to members the public who are in attendance. The Trust has made no case that the membership organisation will be self funding. There are no safeguards proposed to protect the precept payer from the costs of running the membership organisation which the Trust has stated would require additional staff. The Trusts proposals for a membership organisation neglect to recognise the involuntary membership fee paid by way of the precept. No power to set up a membership organisation should be given without the requirement that all precept payers receive the full benefits of members without additional charge. All decisions of the Trust should be made in the public view as they are a public body. Lawful acts are not necessarily without risk or cost and the precept payer will have to underwrite the actions taken under the general power provision. I do not support this extension of the precept payer's liability. Similarly the extensions of the Trusts powers set out on pages 28-29 are unacceptable because the precept payer will have to foot the bill. In particular provisions j,k l,m,n,o,s,t,u and v have nothing to do with the Trusts current objectives and should not be paid for by the precept payers of Malvern. The present trustees act voluntarily. The proposal to pay expenses to expert, possibly out of area expert trustees will place a new burden on the precept payer to whom the trustees will be unaccountable. In general other charities receive only voluntary donations and bequests, unlike MHT who raise a precept.

It is important to allow public into meetings.

Q6 point 6 is a "get out of jail" card, which could circumvent 1. prohibition or 2. parts of a Parliamentary Act which have been rejected and not approved. All parishes with common land should be enfranchised. The 1884 Act s.31 permits this. WCC and HC are empowered to raise a local or county levy for MHC. Abandon the MHC precept and use that money from WCC and HC instead and announce all parishes adjoining the Hills can vote for the Board. For the public to have trust in MHC affairs, openness is an absolute must. Opacity equals secrecy.

The existing powers covered by the Acts already cover most things effectively.

General Power (p.31): For the avoidance of doubt I have agreed the slightly simplified above general power question on the basis that the wording of this clause will follow that set out on page 31, including the crucial initial words: "In furtherance of the objects but not otherwise".

1 attendance at the board and committees should be in person and not capable of being performed remotely! 2 if the reformed executive structure is adopted it is essential that a robust membership body is established. I am not persuaded that an NT style Council is necessarily too "cumbersome". Residents must be given a means to input to and secure accountability from the governing body additional to the reduced electoral arrangements proposed.

I agree with the idea of a membership organisation ONLY if precept payers are allowed to become members, without any further annual payment.

Far too much power grabbing

Not \*\*\*\*\* on Public \*\*\*\*\*

More secrecy. What is the matter with them? And power to do anything? No thank you. They should be concentrating on the hills- what the are supposed to be doing

Borrowing need to be watched what for

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Conflicts of interest: Whilst agreeing with the principle I have reservations about the inclusion of the additional policy. My reservations stem from the emphasis throughout the document of board members representing a "charity" not a particular area. If a member lives in a particular area being discussed (whether voted into office by that area or not) surely it is "in the best interest of the charity" for that person to be able to give information to the board from the perspective of local knowledge. This applies equally to ornithology or cyclists. I strongly disagree that "trustees" should be able to claim expenses. Regarding travel, very little mileage is involved unless one envisages those "appointed" under the new proposals coming from much further afield; in which case their willingness to personally cover any expenses involved would reflect their commitment to the organisation. The single parent/carer scenario is nothing but falling in line with current PC absurdities. It would be interesting to know how many people have been deterred from standing for election or whose role as a conservator has led to financial difficulties.

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The Trust's financial objectives should be carefully managed - some of the comments over the Jackpit Lane easement application indicated a pursuit of revenue over the long term well-being of the land under their care.

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I think public access to meetings is an important principle. though I feel access to view meetings via video access to watch the proceedings with no way to interact with the meeting would be acceptable. with the right of reply after the meeting to give views.

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The Trust is accountable to the electors/precept payers and the meetings should be open.

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Not only could meetings take place televisually, but surely the public should also be able to listen to the deliberations, with perhaps an open question time at the end of the meeting? I know the argument is often put forward that some decisions may be so sensitive that they should not be discussed/agreed in public, but surely the Trustees should be looking for greater openness and transparency in the digital age? There are people who would like to attend meetings but are prohibited by age, disability, commitments to family, etc.

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Expenses should be strictly controlled and available for scrutiny by the electorate. Expense accounts should be available on the trusts website and updated at least annually.

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Agree with the above, it is merely natural progression. However, page 24 made for abhorrent reading. Paragraph 1 wording of legislation might appear out of date but legislation evolves through subsequent rulings from the Lords (now a supreme court). For example, if an act written in 1884 talks about a restriction on horse drawn vehicles, in 2019 that would apply to all vehicles, whether motorised or not. So if in 1884 someone is restricted from driving a horse and cart down a bridleway, where that horse and cart has evolved to mean a motor car, it would similarly apply to a motor car. The driver of the motor car is then within their rights to challenge the decision and a ruling in the supreme court would clarify the legislation. If "the Trust" is having difficulty in appreciating that, then perhaps the issues lie not with the legislation and the way it is worded, it is having employees of the trust who are not fully informed. Para 2 - benefits of change - aligning the trust with other charities. Other charities are not bound by a specific series of acts. The Malvern Hills acts, quite simply, put the Malvern Hills Trust in a COMPLETELY different situation to other charities. Again, charity status completely at odds with the primary function of the conservators. This is a recurring theme, again on pages 27 and 28 charity law being seen to supercede the actions of the conservators. Again, out of date law that is "difficult to comprehend" is not an issue, legislation evolves through supreme court rulings. Last question in this section, I have selected NO - the trust should have to seek consent from the SofS. This is because it is becoming rapidly apparent the trust is so conflicted between charity law and the purpose of the conservators, and the inability to interpret legislation that such decisions need to be authorised by a higher authority to prevent the trust from doing something stupid. Something that is currently guaranteed. Membership organisation. Good idea. Already happens with volunteer days. Just because the acts do not prohibit something doesn't mean it's a good idea. On that basis, can we have naked morris dancing on the hills? The acts don't prohibit naked morris dancing....Do you see my point? The point about drones is valid, but is covered under other legislation. Set out such policies for such things. Page 31, para 2 is extremely concerning. Why are you applying to the charity commission to do certain things, the "trust" is there to uphold the malvern hills acts. You are first and foremost NOT a charity, you are there to uphold the Malvern Hills acts; once again trust status conflicting with the work of the conservators. The work of the conservators is bound by precedent. What decisions have been taken in the past surrounding similar incidents? I would be interested to speak in person about the incidents to which are referred to in the supporting document; it is almost certain that similar incidents have been dealt with before, and the conservators have adopted a policy. For example, with reference to drones, the conservators have made decisions surrounding kite flying. On page 34 of the supporting document, regarding the purchase of land. Why would the trust require security on a purchase? I stood for election in Guarlford twice, and during those years learnt a LOT about the conservators. I was made aware of the size of the pot of money for land purchases, courtesy of some very supportive board members who saw my potential as a board member. If you are talking about requiring security on land purchases, what happened to the pot of money? It was quite a substantial sum, too. Over the subsequent years, with adequate management, donations, covenants, legacies and inflation I would not be surprised if that pot was in the region of £10 million. I would be horrified if the pot was below £4 million - that's what it stood at in 2000. In any event, as stated in the 1909 act, the security is the precept. If the charities commission are bugging about with that, then there are serious issues.

I think the board should consist of 15 to 18 members

There isn't a specific question about this but I am concerned at the arrangements for operation with small numbers in a meeting. Specifically I disagree with the provision for a quorum to be as low as 4 people, since it allows important decisions to be made by a very small group. I would like a quorum to be left at 7, irrespective of how many trustees are currently appointed. Also I don't understand the meaning of "supporting" other charitable organisations, as described under item j on page 29. Does this mean financial support? If yes then I wouldn't support that.

I strongly disagree that members of the public, precept payers, will be excluded from committee meetings. NO TAXATION WITHOUT REPRESENTATION.

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There are several references in the document to the National Trust, which is a charity. The Malvern Hill Conservators are a public body, but with charitable status. I pay a precept to this public body, and disagree most strongly with the suggestion that members of the public should be excused from committee meetings. I have the choice to be a member of the National Trust, but no choice as a Chase Ward homeowner.

The items marked 'disagree' above are due to fact the final composition of the Board is not known at this stage.

The Trust is possibly unique amongst all charities in that it has the legal power to precept for the monies that it requires in order to fulfil its objects. Rather than have the power to borrow further funds it should increase its precept and justify this to its electors. To do otherwise detaches it from the public it is supposed to serve.

If the Board was to be reduced in the manner suggested I would have grave misgivings about providing it with greater powers particularly financial Protection of the Hills should stem from a love of the Hills and no one should put themselves forwards to a position unless they feel this way expenses go against this ethos. Expenses would also require administration and auditing which will create greater expense There is no need for a membership - there are plenty of people who are happy to spend time volunteering without a membership.. Memberships can cause people to feel excluded.

Expenses policy to be set out by independent body and not by trustees themselves.

Again it is vitally important that the Trustees operate to modern Governance standards. I am fully behind the proposal to remove the requirement for all formal meetings to be open to the public, as this can be disruptive and clearly places undue pressure on Trustees when controversial decisions have to be taken. I definitely agree that Trustees should be able to claim expense and believe that this would increase the diversity of the Board. Personally, I know of 3 younger people who were not able to put themselves forward as Trustees because they would not have been able to claim for expenses to cover their caring responsibilities (for children, aged parents or sick partners) whilst at meetings. I agree that the current diverse powers of borrowing are arcane and should be regularised as suggested

Whilst we agree that MHT should have the power to set up a membership organisation, there is the potential for this to conflict with the operations of Wildlife Trusts.

unbelievable!!

The proposed extension of the Trust's power is unconstrained and the 'general power' will give the Trust too much power to make decisions. This could result in it being used in ways inconsistent with the intentions of Parliament when the present Acts were drawn up. There is no reassurance that there will be any restriction in its scope. The phrase 'general power' is much too vague. The proposals give the executive disproportionate power on the board. The powers now being sought are far greater than are needed for Conservation and could lead to exploitation. The proposals will allow the Trust to engage in a number of commercial activities which would have been a completely alienable concept to that envisaged by the founding conservators. The extensive powers being sought are a complete negation of the original aims of the Trust. Given that Trust members are only in office for a period of time, there is no knowing how these extensive powers will be utilised in the future, with the result that the Malvern Hills could be ruined forever. The proposal to exclude members of the Public from Committee Meetings is unacceptable. The Trustees must be accountable for their decisions to the Public who pay the Precept. Restricting public access to meetings is a retrograde step and contrary to the principles of openness, transparency and accountability, which a public body should advocate. Decisions should not be made by a limited number of Trustees, but taken at a full board meeting which can be minuted and attended by the public. There is no accountability if decisions are only made by a few in 'Meetings' where there is no record of what has gone on. Neither should Trustees be able to have online or televisual 'Meetings' as the public cannot attend these and there is not necessarily any minuted account of what has gone on. Again a lack of accountability to the Precept paying public. The proposals should provide all the benefits for Precept payers as those suggested for those participating in the Membership scheme.

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The existing powers and set-up are adequate for the original intent of the M H act, these changes are unnecessary and provide too much autonomy for the charity.

Could this lead to too many urgent decisions being made for convenience sake? B. If the Public were not in agreement to a decision made without them could this lead to entangled long lasting disputes C. Could this lead to too much power to Trust which might not be what the public agrees with?

These proposals are sensible. I agree that permitting participation in meeting remotely is a sensible provision, where appropriate safeguards are in place and the agenda of the relevant meeting is set in advance and its purpose made clear in advance. I would suggest that remote participation should not become the norm for a particular trustee; there can, I think, be no substitute for participation face to face not least because much of what we learn from others comes from signs and gestures other than the spoken word. Some thought should be given to the manner in which the Board appoints the auditors. It may be appropriate for a committee of the board to be given delegated responsibility for the process, with the Board itself endorsing the final recommendation. If a committee of the Board is chosen, then it is important that at least one of those members has recent and relevant financial experience - that person needs to be able to judge and assess the work of the auditor and to make a judgment about the likely quality of audit work. The auditor appointment process should be transparent.

The Trust and the Board must be careful not to stray into the land inhabited by much reviled Quangos.

Trustees should only be able to take part in meeting remotely in exceptional circumstances e.g. health/injury 7 not on a regular basis (e.g. no more than one per year). Auditors need to be impartial whoever selected. It depends on the nature of the urgent decision needed - minor decisions fine without a meeting, but who decides what is minor or not?! It depends on the type of membership - those with full voting rights should not be allowed as extremist groups may get power this way and they may be able overturn the trust powers

If non local Board members are to be appointed, f e from Evesham, Pershore, of even further afield, their expenses are likely to be very high. As precept payers local residents are entitled to attend committee meetings.

I absolutely disagree that the Conservators/Trust should not be required to admit the Public to Committee Meeting. Indeed I argue the opposite should happen at all times. The Conservators/Trust are a Public Body governed by Public Law and the Charities Act 2011 and the provisions of the MH Acts where these are in the Public Interest. Accordingly is should abide by Public Law especially when it is Public Funds that are mainly financing its operations. The Freedom of Information Act 2000 should apply to all its actions and decisions. The Conservators/Trustees should at all times act in an open and transparent manner.

The Trust MUST acknowledge that they ARE working for a charity and it is not a cash cow for any member of the trust to help themselves willy nilly. All borrowings must be justified and have the consent of the secretary of State and should be approved by an independent board who are not related in any way to the trustees and out of pocket expenses should also be approved by the independent board. Interest free loans will not be allowed

Video or Tele-conferencing may make it difficult for the public to hear or see what is going on, already very difficult in the town council chamber which the Trust uses. The public should not be excluded from meetings, committee or otherwise, as it restricts accountability when discussion is needed. The general powers mentioned seem very sweeping. Must be subject to closer legal definition than indicated here. I could not see Ancillary land marked on the consultation map, so it's difficult to comment, but decisions over seeming small parcels of land can have far reaching consequences for local people. Secretary of State needs to be the final arbiter.

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Having the ability for Trustees to attend meetings using Audio visual aids seems wise, especially if there are issues where maximum participation is needed. If the public cannot attend the Trustee's committee meetings then there must be laid down some means for the general public to be kept aware of what is going on. There should be an "Annual General Meeting" which the public can attend. This needs to be incorporated in the new regulations for the Trust. How can the public request an open meeting to discuss very contentious issues?

Public attendance at committee meetings, such as the Land Management Committee, should continue to be allowed. The Trust's auditors should be appointed by an independent body.

A. To be clear there should be no remote participation in meetings where the matter under discussion requires a special majority B. If a meeting of the trustees is inquorate they should not take a decision and given the status and importance of being a trustee certainly not on the appointment of a trustee to fill a vacancy. The trustees should ensure that at all times they are quorate C. Whilst charity trustees may delegate in appropriate circumstances they are constrained by anything in their governing instrument. There would appear to be nothing in the Malvern Hills Acts relating to delegation. It is important that the proposed Scheme should deal with this in an appropriate way D. All Committee decisions should be reported to the board and be approved by the board E. The terms "uncontroversial" and "urgent" are not defined in the Consultation document Pages 25/26). The trustees must be required to act reasonably at all times when considering whether a matter is uncontroversial or urgent F. Exempt matters/information as referred to on page 26 of the Consultation document is not defined. MHT is a public body for most purposes (see later ) and meetings of the board and committees must be open to the public unless very good reason why the public should be excluded is demonstrated. There have been far too many occasions in the recent past when the public have been excluded from board or committee meetings for no good reason. It is wholly unacceptable for committee meetings to be held in private G. There is reference on page 26 of the Consultation document to the board's ability to close a meeting to the public if the normal conduct of the business is being disrupted. The board must be required to be reasonable in this regard. At an extremely important and controversial meeting of the board on 19/3/19 at which over 150 members of the public were present the board subsequently sought on wholly spurious grounds to cast doubt on the validity of the proceedings and the almost unanimous decision of the board against a proposal recommended for acceptance by the secretary and the CEO. A number of Parish Council members were present at that meeting and can testify that there were very spasmodic and minimal exchanges only between the board and the members of the public such that the Chairman rightly did not feel it necessary to require the public to leave the meeting H. With regard to conflicts of interest and loyalty any genuinely conflicted trustee on the grounds of conflict of loyalty should be permitted to speak if not to vote. If a trustee is a member of the board and a member of a planning committee he/she should be required to leave the second of the meetings (viz the board meeting or the planning meeting) called to consider the matter. Any trustee genuinely conflicted in terms of loyalty should be entitled to speak to the board meeting if not to vote I. Minutes of all meetings save the parts thereof (if any) dealing with genuinely exempt matters should always be available to the public J. A general power to do any lawful thing not expressly prohibited by its Acts is far too wide and could give rise to interpretation issues as to what is and what is not prohibited by the Acts

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Communicating electronically should not be used by a single trustee on a regular basis. It should not result in the cost of equipment being reimbursed. Committee meetings should only have public access removed if they are video's and the meeting is available electronically. This could be after the event but would need to be quickly available. I disagree with a member organisation, The impact of Member votes are questionable eg National Trust costs and issues involved. The aims of the Trust are for the benefit of the public as a whole and a membership a scheme could therefore affect diversity. Although I agree about reasonable expenses being claimed this should not extend to expenses due because someone lives a long way away or needs special equipment. The Trust should continue to need SOS approval as this is a necessary check and balance.

Being able to participate virtually is a useful aim for the future. Having tried to participate in meetings in this way myself over many years I still find it very difficult currently, but it would be a useful power to have for the future. I agree that urgent decisions be made by unanimous written agreement but there may be a need to clarify "urgent" and avoid situations where matters that are important become classified as "urgent".

There is no independent Ombudsman such as that required by local government organisations. Any complaints are appealed to another set of Trustees The lgo.org website has details of how to complain - the Trust is a publicly funded body after all

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Not sure as this may lead to a habit of not holding meetings, resulting in secrecy and the wider membership not being aware of what is going on. I would hope that you consider this further and that there is a set number say 5 meetings which must be held annually face to face etc I think the public should be able to attend and only excluded by exception particularly as you intend to set up an limited company whose meetings will be held as commercial in confidence. It will exclude interest groups such as Malvern Cycle Sports of which I am the Chair . We have a real interest in continuing to build a positive relationship with you. Not being transparent is not in line with best practice of the Charity Commission and leads to an unaccountable body which affects all residents in Malvern and the wider area. Of course expenses should be claimed however I think this clause would benefit from being tighter. Good intentions in this area without clear and transparent arrangements as to what exactly is allowable will in time cause problems.

Para 1 (above) If a meeting is only a quorum (eg 7 of the 12 trustees) all must be present, as 7 represents fewer than 75% of trustees. Para 3 (above) Decisions made at Committee level must be reported to AND RATIFIED BY the Board at the next Board meeting. Para 5 (above) A Membership Organisation may leave MHT vulnerable to infiltration by pressure groups. Para 6 (above) Concerned about the extent of Powers in Sections f, j, k, m, o, v & w. (p29 of Consultation Document) Para 9 (above) A. re: Item 2 in Consultation Document p 35. ...'relevant land or buildings on relevant land'... is mentioned without clarification. If the clarification given in Item 3b applies, this should be shown where the term is first mentioned. B. MHT to be aware of possibility of 'negative equity'.

I strongly disagree with the suggestion of holding meetings in private routinely. There is already a facility to exclude the public for confidential items. The fact that currently the meetings are open and the public can read the agenda and keep abreast with what is happening is surely a strength of the organisation. A desirable quality of a potential board member should be an ability to communicate well in a public situation Section 8 General Power I disagree with the general power in the strongest possible terms and feel that its suggestion actually undermines the whole principle of this consultation exercise and also the Malvern Hills acts themselves. Whilst it may be true that many other charities have it, the Malvern Hills Conservators have many things that other charities dont have ;not least the ability to raise a compulsory precept and the power to make byelaws. They have always had a very distinct identity with a very specific function and this should not always be viewed negatively. Proposed changes c) any reasonable and proper rent for premises let by any trustee or connected person g) reasonable and proper remuneration to any trustee for any goods or services supplied to the trust on the instructions of the trustees. What is this even doing in here? MHT spend much time talking of conflicts of interests amongst its current trustees; yet it is being proposed that up to half of the trustees in any one financial year can be receiving remuneration for services to the trust. This will certainly not help build a positive image for the organization No trustee or directly connected person should be doing any paid professional work or renting any premises to the trust. It is not hard to see a position of trustee being quite attractive to a solicitor if it is acceptable for them to then carry out paid professional work for the trust. MHT would do well to review the historic newspaper headlines surrounding the Price Water House Cooper review of the Conservators in the late 90 s in relation to legal work carried out by the then Clerke to the board.

The current arrangements for Board meetings to be held in Public should be maintained. The Hills belong to all of us and decisions about them should not be held behind closed doors! I agree that the Board should be able to set up a membership organisation as long as it does not disadvantage precept payers.

the trusts is there to protect the Malvern hills area for the benefit of all especially those who live in Malvern. It is inconceivable that the charity should not meet in public .its decisions effect the public directly it should be transparent and open and allow the public to see this in order for the public to have confidence the trust is behaving with the hills and the environment around them as its main focus

the trust is there to look after the malvern Hills and its surroundings for the benefit of all. it is a public charity it is monstrous that you would not allow the public to watch the proceedings of the trust and so allow the public to judge for itself if the trust is doing its job correctly

**Please use the box below if you wish to comment further on our proposals to update the arrangements for the Board's administration, including the list of generic powers set out on pages 28-29 (Please use the box below if you wish to comment further o...)**

The Trust already have sufficient 'power' to look after the land, some of which must already be in place eg operating bank accounts

it is outrageous the public should not be allowed to attend meetings that make decisions about the areas the public lives in. this is a public charity and a public body as such the public should have a right to scrutinise the meeting activity in real time by being present. not just after decisions have been made by reading past minutes.

Re question above and borrowings, is this in line with other charities? I fundamentally disagree with this - this is not in line with other statutory bodies as far as I understand. The Malvern Hills Trust should not be able to operate, for example, as a company can - its purposes are very different. With respect to the generic powers, I am very concerned by (l.) Power to undertake and execute charitable trusts including permanent endowment and (m.) Power to impose restrictions, revocable or irrevocable on use of property of the Trust including creating permanent endowment. In respect of (l) it appears that the Trust could give way its money/land to other unspecified persons, which would prevent the Trust ensuring all its monies are to go towards furthering its objects and (m) because the Trust should not have unlimited powers to restrict use of the Hills - particularly not irrevocable restrictions. On whom are these restrictions to be placed? To what purpose? Who is checking that this is proportionate and fair? I am also very concerned by (w.) Power to sell renewable energy (limited to production eg from solar panels on buildings). Does this give a pre-emption in favour of, for example, the erection of wind turbines on the hills? I would be utterly opposed to this, or any generic power that could be interpreted as such.

To ensure open-ness and accountability, the public should have access to meetings without restriction. Any suspicions of decisions being taken "behind closed doors" risks a loss of credibility and confidence by the public.

The trust are a charity so transparency to the public is important ,if the public not admitted to meetings then the full minutes should be made available ,but with this option parts can be left out ,and as in previous comment communication is the trusts strongest point

My experience is that if an issue is genuinely urgent then decisions should be made with the majority of trustees present (in person or virtually.) Otherwise this facility will be abused, and trustees will be circumvented. . Transparency is important for an organisation this size, so removal of 'the public' should never be considered - its rather shocking that this is even being proposed. The reality is that 'the public' tends to be informed and motivated people - even if they are sometimes awkward. The trust is not a sophisticated financial organisation and so they are liable to be naive to complications that can arise from taking out debt or loans or bonds.

a) If a meeting comprises fewer than 75% of total number of trustees, all must be present in person. c) Committee decisions must be reported to the next Board meeting and RATIFIED by the Board. e) Danger of infiltration by activists or pressure groups from outside the area. i) Document does not indicate that, if borrowing or acquiring a mortgage against land etc., the re-sale value may fall.

Expenses - there should be evidence of all expenses and payment made based on actual expenditure - not a civil service day rate etc.

All of these changes appear to represent sensible modernisation of the governance arrangements for the Trust, bringing them into line with best practice seen in other settings.

I disagree with trustees not attending meetings as this is not giving a full commitment to their role. The admittance of the public to meetings is not acceptable as precept payers should be able to understand where their money is being spent and feel that matters are well managed.

In endeavouring to establish 'trustees' with the skills for today and into the future then those trustees should be expected to attend meetings in person and BE SEEN to be giving 100% to the matters before them. Your alternative of being present 'electronically ' is not acceptable. I am strongly opposed to the suggestion that the public be excluded from committee meetings, as a precept payer I expect to be allowed to observe that your actions and your powers are using my money in a satisfactory and worthwhile manner.

**Please use the box below if you wish to comment further on our proposals to update the arrangements for the Board’s administration, including the list of generic powers set out on pages 28-29 (Please use the box below if you wish to comment further o...)**

Q6.It is obviously sensible to allow trustees to take part in meetings remotely in special circumstances, but not as a matter of course. All meetings should be open to the public and there should not be a power to close a meeting to the public if items are controversial. I have concerns about setting up a membership organisation without more information about what it would be for- particularly as this leads in the document to a proposal that the membership organisation could appoint candidates to the board. This dilutes the geographical principle of representation and allows those who pay membership to have a say over those of us who live here and pay a levy. The objective could be achieved by the membership organisation having an advisory panel to the board.

Most important is transparency and it is imperative that the public should attend meetings.

Concern about accountability to fee payers. Important to have representatives who are invested in the area.

Presumably unanimous written agreement means electronically written

Consultation document refers to outcomes from committee meetings but question above refers to decisions, why the different term?

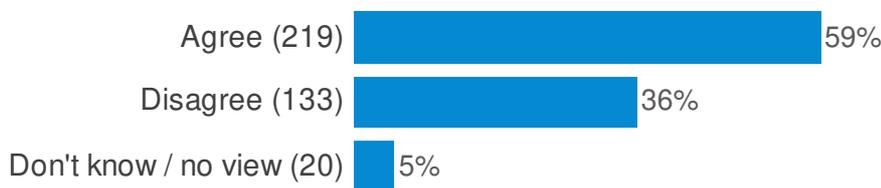
Q7 Agree to all the powers listed on the condition that Levy payers , the public , get to ratify via election all the Trustees selected by an Independent panel. [Q 6 for as long as the public pay a Levy , the Trust should be required to admit the public to Committee meetings ]

Consolidation of power in fewer hands with greater autonomy to raise funds, borrow money without the oversight which has been in place for >100 years. My belief remains that a reduction from 29 to 12 trustees is far too extreme given all the additional changes being proposed. Similarly the desire to exclude the public from meetings also raises anxiety levels and creates a potential situation where a small number of individuals could make undesirable changes in the future without oversight. I strongly disagree with those proposals.

**Land Management**

**Securing the commons, temporary fencing and livestock - Page 40**

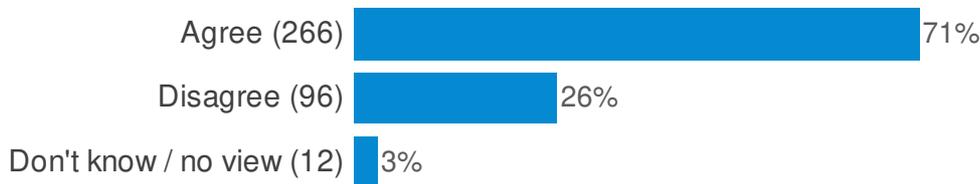
**In all cases set out below, the public would continue to have access to the areas in question (The Trust should be able to secure the perimeter of a common, to make it stock proof, subject to the consent of the Secretary of State and any other necessary permissions)**



### Land Management

#### Securing the commons, temporary fencing and livestock - Page 40

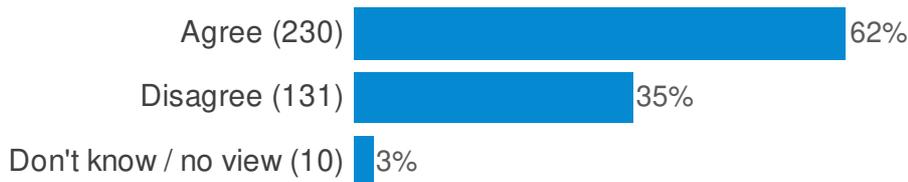
In all cases set out below, the public would continue to have access to the areas in question (The Trust should have a power to set up temporary grazing compartments for up to 60 days)



### Land Management

#### Securing the commons, temporary fencing and livestock - Page 40

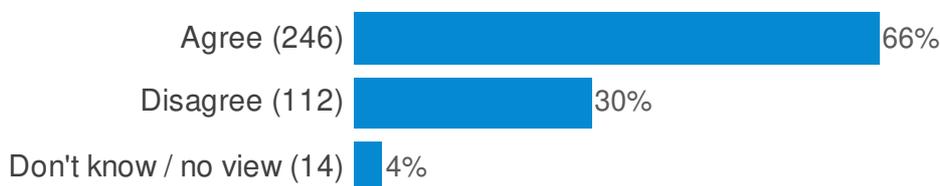
In all cases set out below, the public would continue to have access to the areas in question (The Trust should have a power (subject to a requirement to consult) to put up temporary fences on the common for up to 12 months in the interests of animal health)



### Land Management

#### Securing the commons, temporary fencing and livestock - Page 40

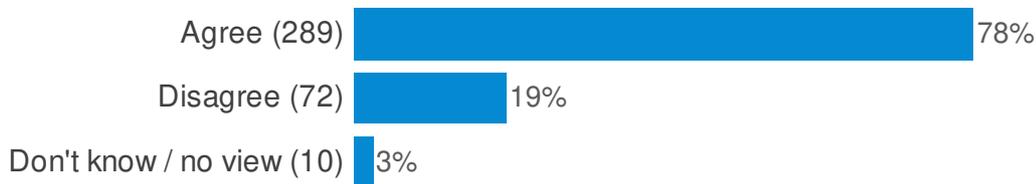
In all cases set out below, the public would continue to have access to the areas in question (The Trust should have a power to own and manage livestock)



### Land Management

#### Securing the commons, temporary fencing and livestock - Page 40

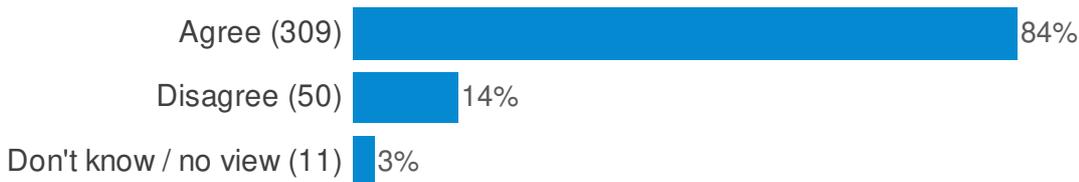
**In all cases set out below, the public would continue to have access to the areas in question (The Trust should have a power to install sensitively placed watering points on its land)**



### Land Management

#### Securing the commons, temporary fencing and livestock - Page 40

**In all cases set out below, the public would continue to have access to the areas in question (The Trust should have a power to deal with injured or ailing animals which are on the Malvern Hills in breach of the byelaws)**



**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

The hills are OK for sheep and bullocks but Castlemorton Common is not suitable for these animals as it is too boggy and nearly all of the adult sheep are lame with foot rot from standing on wet ground.

Land is for folk to walk across any where. Permanent fencing not on. It could mean that that Malvern Link Common has fencing around the each of the four compartments.

Nowhere in the document can I find reference to rewilding. This is a policy the National Trust is and is the large-scale conservation aimed at restoring and protecting natural processes and core wilderness areas, providing connectivity between such areas, and protecting or reintroducing apex predators and keystone species. Policies of allowing overgrazing of the Malvern hills is counter to this laudable aim.

PLEASE don't fence off the common!! This would wreck it. A huge part of the area's unique charm and character rests on the sheep being able to wander down the roads. As far as I know, nobody has a problem with this. Personally I love waking up early in the morning to hear them come down New Rd and graze on the grass strip outside my gate. If you fence off the common, the New Road / Eight Oaks / Quarry Rd area will look like some suburban park - with more limited access than now (regardless of the intent). The livestock is what make this area unique - there may well be a good argument for putting up improved signage to make drivers take care - but fencing off this area would be hideous. Please, please, please, don't do this. If you feel that you absolutely HAVE to do it, please do so on the A and B roads only (e.g. in the Birtsmorton, Berrow, Rye Cross area). But preferably not at all. It looks like a hideous over-reaction.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

The placing of stock proof fencing on the roadside perimeter of commons is going to change the aspect of these commons irrevocably. The open aspect will change completely and affect the flora, insects and animals and birds as well as the landscape. Land on the edge of roads will become completely different in character (weeds will have to be controlled by mechanical or chemical means, the view will change totally) and I believe this will contravene the original intention of the Conservators as well as changing the environment from one we all know and love. I feel that restricting the speed of traffic drastically in the affected areas would be a far better way to conserve the essential characteristics of the land. It will also educate people to realise what is special about these areas and I think it is the duty of the Trust to do that. It is not the duty of the trust to make things easier for motorists or dog owners or for farmers who enjoy commoners rights or for the Trusts' own agricultural practices. It makes it difficult for these people but thats just the conditions under which they place stock on the common land or travel through it and we should not be twisting the management of the Hills to suit modern requirements dictated by car or dog owners. The flora and other wildlife of the Hills are dependent on management that protects and conserves them, that was the original intention when it was set up and it is the intention now under rules of HLS and SSSI.

The fencing on the hills is an eyesore and difficult to deal with. I would hate to see more of it and would prefer to see any money raised be used to manage the land on the hills manually and not with livestock. The livestock also do a lot of damage to the paths. The whole aspect of fencing the hills and running livestock is destroying the whole ethos of the beauty of the hills and ruining the pleasure of walking there.

All of these proposals endanger the very principle of common land and the original objectives of the Malvern hill acts. be able to secure the perimeter of a common: Fencing om commons (Malvern Link common fenced) this risks the open aspect of the hills and commons, and will change the nature of malvern and surrounding areas. compartments for up to 60 days: Why surely you will not want to over graze an area of they long own and manage livestock: Commoner have that right.

After 45 years of living within the area you now wish to promote very thing you have said it not in the interest. of MHT you have made your minds up what you stand for

Watering points should also include those for humans - to save on single use plastic bottles being discarded.

There seems to be an increase in the use of livestock on the hills. Are there areas which might be better left to revert to woodland, to reduce the need for grazing and increase the number of trees in the area?

As the Trust is needs to reflect modern best practice in the 21st century, all livestock grazing should be stopped as it has a damaging impact on the environment and climate.

All Malvern Hills Conservator land should be kept open to the Public at all times, otherwise large areas could be fenced off, thereby closed to the Public for very little reason.

Dog Attacks on Animals is not being addressed with Prosecution, it would take a long time for the Police to get there, my View and I guess all animal lovers is your Wardens should be able to issue Instant Fines, Animals should never Die being Ripped apart.

These are all sensible and necessary powers. I am relieved to hear that the intent is to fence the boundaries rather than to fence off roads such as those crossing Castlemorton Common.

Not all commons are the same! To fence CL9 would contradict it as an unenclosed historical area. It may also encroach on commoners' rights which are protected under other legislation. The Trust's position on estovers is subject to these commoners' rights. Investigation into the appropriate definition of estovers in relation to properties is necessary before any change can be made. Not all trees on the Trust's land are 'planted' by the Trust. There are very many self seeded trees, now of a good size. Clarification is needed.

Perhaps some specific sites should have restricted access - particularly dogs and cyclists - for the benefit of the fauna and flora.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

Securing such areas should allow for reasonable access as at present. (As a disabled person it would be good to have access for a mobility scooter where viable. I live at Poolbrook & the common there has no way for folk like me to access it because of the boulders and high kerb. It would be good to be able to follow my grandchildren on to the Common for play. I would like to be treated as well as the sheep and cattle!!)

Securing the perimeter. E.g. fencing along roads, is counter to the unique character of the hills. This must be strongly resisted, and alternative solutions sought. 12 months is not temporary. This is fencing by the back door. A single season (3m) could be a more appropriate maximum.

In relation to the first point, in relation to permanent fencing I believe it should be a requirement to carry out local consultation as well as obtaining Secretary of State approval. Local knowledge and prejudices should be reflected in decisions. For instance, I note that access points are deemed acceptable by the inclusion of gates, stiles or the like. Although I believe current management would not contemplate the use of stiles, any future intention should be subject to challenge.

The Conservators were not set up to be livestock farmers and I presume have no relevant expertise. This would be contrary to that which the levy payers thought their contribution was supporting

I would also strongly disagree the use of any cattle grids on roads securing the commons. Vehicles crossing grids are extremely noisy, plus the additional deceleration/acceleration of vehicles using grids produce an increase of harmful exhaust emissions, therefore being totally unacceptable near houses. In addition, grids pose a potential risk to young children, night time walkers, small animals & run-away horses.

In addition, I absolutely disagree with using cattle grids on the commons. The noise cattle grids produce is totally unacceptable & will be strongly contested if proposed near houses. The grazing animals permitted on the common should NOT be allowed supplementary feeding. Animals should be simply used to graze grass & browse where this is required. Areas where animals are being fed currently, during winter months, are being ruined by vehicles delivering hay etc. thus producing large areas of mud. Also, the excess manure/ nitrogen produced in these feeding areas is changing the natural flora. If supplementary feeding is required this surely can be done on the grazier's property.

As general statements these are largely ok but it depends what the governing objectives and policies are. So, if as the consultation documents suggests it is to support the rights of commoners and this is clearly and expressly stated then fine, but if not, such that in the hands of the wrong trustees it could strip commoners of their rights and lead to more permanent enclosure, then what is proposed is not ok.

Very strongly support! The Commons in particular require grazing by BOTH cattle and sheep. Scrub is on the increase everywhere. They are the Bare Hills and Commons for grazing stock on.

I agree with stock-proof perimeters on places like Castlemorton Common but not on the hills where the trees on the lower slopes should be allowed to regenerate and become naturalised above their current level as they would without livestock interference. At this time of climate change we need all the trees we can get because they are hugely beneficial and this would obviate the need for livestock and fencing on the hills and make them truly accessible to the public while removing the possibility of injury by dogs. Strategic places could be kept clear for visitors viewing by humans mainly with hand-held equipment. I do not agree with the Trust owning livestock. Somewhere along the line it would have to become a commercial venture because you will invariably end up with far too many animals.

I am against cattle grids being used. Cattle grids are dangerous to horses & their riders, especially children riders. They are also a trap for small mammals & reptiles like snakes & slow worms etc. Cattle grids would also be exceptionally noisy for residents living on the commons, please disregard their use.

Absolutely disagree to cattle grids. They are very antisocial due to the noise factor. Cattle grids can also seriously injure horses & ponies that simply don't recognize what they are.

Re livestock management .....is sponsorship an option ....possibly linked to the membership suggestion ?

## Malvern Hills Trust consultation

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

These proposals are directly related to the proposal that the Trust become a business. The existing fencing that has been introduced on the hills to allow grazing already interferes with access for able bodied and disabled visitors.

The application of an unlimited right to the above powers could significantly change the natural aspects of the Malvern Hills and militate against easy access.

No further comment here

The Trust should keep their land open to public access at all times and not be able to use it extensively for grazing purposes. In doing that the land will no longer be open to public access.

The look of the commons will change considerably if these provision are used over generously. The "minimum necessary" should be practised.

I was under the idea the Malvern hills are common land ?

It could be useful to put cattle grids on roads entering and leaving the commons but I strongly object to any fencing erected along roadsides or other similar places which would detract from the nature of an open common, effectively turning it into "fields". There is a place for temporary grazing compartments /fences but 60 days and a year do not seem very temporary. With temporary fencing, putting in stiles as a means of access would be totally inappropriate for horse riders and mountain bikers as it would effectively prevent their access.

Additional fencing and livestock has the potential to completely change the natural features of the Malvern Hills. (Malvern Hills includes of the land aged by the Trust not just that on the main Malvern Hills area)

Nervous that if the Trust own animals is takes away the necessity to persuade commoners to be active. That can lead to the Trust favouring themselves as the preferred grazier

I am concerned at the implications in respect of access and the rights of the public to common land. This is an acceptable measure for controlling grazing. 12 months of fencing on common land must surely be in breach of public access. If animal health is in question there are other appropriate bodies. It is not the function of the trust to farm livestock. "Sensitively placed watering points" Too generic a statement; how many? Where? Looking like what?

There are already fences on the hills that were introduced a few years ago to allow grazing and they interfere with access by able bodied and particularly disabled access.

Livestock only for keeping down unwanted growth, not for marketing.

Land should be kept as open as possible to allow public access and to maintain the natural aspect.

There are already enough livestock on the hills. We don't need more fences and unsightly water points. IT IS NOT A FARM.

This all points, to me, towards the intent to farm the land. Livestock were introduced as a measure to 'cut the grass', but this is now far in excess of that. Bad enough walking through areas with cow and sheep dung, but this would be far worse in scope and effect. The trust have not yet cut down the trees as was promised several years ago, I do not believe that could manage a 'farm' scale operation with any benefit to the hills, commons or public.

Q8.6 Is it the Trust or the animals in breach of the bylaws? Does MHT just stand back and watch animals suffering at the moment?

Q8.6 Is it the Trust or the animals in breach of the bylaws? Does MHT just stand back and watch animals suffering at the moment?

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

On walking the hills over the last couple of years it feels like we are walking through a farmyard. The electric are an eyesore and also hazardous to small children. The droppings left by the livestock do not help with the wild flora as they require poorer soil and because the animals are always moving around this has a impact. Additionally, we have noticed significant damage and erosion to the flora from cattle and the heavy vehicle used to attend to the animals. We feel the hills are too vulnerable to damage and need to be protected.

It is not clear if the proposed powers for temporary fencing are to be subject to the consent of the Secretary of State and how the temporary grazing permission varies from that which the Trust currently uses in managing its grazing today.

The Conservators should keep the land as open spaces and free from enclosure

Are cattle grids included in this, or aerials to manage electronically tagged livestock?

The commons are unenclosed. Enclosure is a legal term and once a common is enclosed it ceases to become common land and all commoners' rights are extinguished. The correct word here is 'unfenced'. 'Much loved' is an emotive term and these two words should be removed. Many people prefer to live in towns and apparently have no passion for the countryside. 'Conservation objectives' is too strong a reference to unspecified conservation matters and could be taken to mean that there are 'wildlife trust' conservation responsibilities – objected to under Page 8. The words should read - to preserve the natural aspect of the land, one of the objects of the Trust. The Trust should support local commoners in the exercise of their registered rights. The words 'sensitive' and 'traditional' are superfluous – these are legal responsibilities and legal rights and do not need qualifying. Whilst it may be true that 92% of the perimeter of CL9 is already secure, this is not through any action taken by the Trust. It is because private landowners have fenced their land against the common in order to protect their own land and this should have been made clear in the Consultation Document. Entry points to a secured common should include provision for horse riders and disabled access. The word 'stiles' should be removed. Temporary grazing – these proposed powers are not sufficiently clear. For example, they do not say within what period the same piece of land can be re-fenced, nor do they limit the area to be fenced. As proposed, the Trust would be able to fence large areas of the common for 6 months, followed by another six months and so indefinitely. Instead, The Trust should adopt the Temporary Fencing on Common Land guidance notes from DEFRA and Natural England, 20 September 2016. The question is, perhaps, why should the Trust be exempt from these guidance notes? Erecting fencing for up to 6 months You can erect temporary fencing on commons for up to 6 months to restrict the movement of grazing animals. To do this, you must be: • the owner of the land • a commoner (anyone who has rights of common on the land) • anyone acting with written consent of the owner The area you want to fence off must not be bigger than either 10 hectares or 10% of the area of registered common land that it's part of, whichever is the smaller area. It can't exceed this size limit, either by itself or cumulatively with any other areas in the same area of registered common land which you have fenced off without section 38 consent. If you fence off a piece of land for 6 months under this exemption, you must then remove the fences for 6 months before you can fence it off again. Erecting fencing for up to 1 year You can put up temporary fencing for up to 1 year (or up to 3 years on moorland) to protect vegetation if you're growing or restoring it. The area you fence off must not be larger than 1% of the area of registered common land it's part of. It also can't have been enclosed within the previous year. To do this, you must be: • the owner of the land • a commoner (anyone who has rights of common on the land) • anyone acting with written consent of the owner Erecting fencing for up to 5 years You can put up temporary fencing for up to 5 years if you're restricting access to conserve nature. The area you want to fence off can't be bigger than 1% of the area of registered common land that it's part of, by itself or along with other areas in the same area. To do this, you must: • own the land or have written consent from the owner to prove you're working on their behalf • have a written agreement with Natural England or the Secretary of State requiring you to conserve nature

Worcestershire LAF (WLAF) has reservations about putting up temporary fences across any public rights of way - particularly bridleways and permissive cycleways. We have indicated our agreement on the basis that Item 5 of the proposal on page 43 is adhered to.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

Q8.6 Is it the Trust or the animals in breach of the byelaws? Does MHT just stand back and watch animals suffering at the moment?

I believe that 2016 DEFRA guidelines exist re temporary fencing on commons for animal health reasons. Why not use these?

There should be a prohibition against any gates in the perimeter fencing being locked.

Climate change requires that we urgently reforest areas where possible. On the hills this can be done by natural regeneration. The UK has one of the lowest proportions of tree cover in Europe, so there is no need for grazing other than that employed by those with commoners' rights.

These powers appear reasonable providing they are not abused. Safeguards should be built into the legislation. Access should be provided for disable people through gates. Animals should not be kept which might injure the public passing through an enclosure.

The role of The Trust is to protect the hills and surrounding area first and foremost. Livestock management requires expertise in an area not called for in The Trust's main duties

Grazing is a key aspect of maintaining the Hills and commons and removes the need for mechanical cutting etc. These changes would all seem to make that grazing easier for the Grazier or indeed MHT of required

A 28 day limit would be sufficient for temporary grazing compartments, 60 days is too long and unnecessary.

What do you mean "deal with" animals? I agree helping them would be acceptable

Commoners having grazing rights should have the ability to fence livestock near to their property on a common. This for the large part would be to protect animals straying on to a road adjacent or crossing any common.

The function of the Trust should be to protect the land, not act as farmers. Livestock owners should be allowed to apply to graze stock and pay for the facilities provided for them to enable the use for grazing.

The Trust should make more use of natural streams that originate from springs on the hills, clear a lot of the alder trees that are blocking their routes.

Permanent fencing gives the impression that it is private land and this deters visitors. Why would MHT want to own its own livestock? Although grazing may be beneficial to the land ( difficult to prove), it is not cost effective. After Brexit, the money might not be so readily available. As a veterinary surgeon, the last point is important, and for some time I have been concerned about the state of some of the sheep on Castlemorton Common - especially the level of lameness

Any and all access points must be by bridle gates as all the land is open to horse riders. To even mention using stiles in the consultation document is an insult to all disabled people. Please bear in mind that the current metal gates used in conjunction with electric fencing are often difficult to open and are restrictive in that the metal bar on the ground makes it difficult or impossible for a mobility scooter to cross.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

The proposals for perimeter securing seem very unclear and are, we believe, misleading. They need much more detail. 1. The consultation document refers to A roads but we contend that there are no nationally classified A roads on or crossing Castlemorton, Shadybank and Hollybed Commons. The highest classification road appears to be the B4208 although the A438 may run along the western perimeter of Hollybed Common depending upon the area defined as this Common. Moreover there appears to be no public roads at all but only public rights of way on Shadybank Common according to the WCC GIS Online Roads map. 2. Although not explicitly stated it is assumed that the intention is to fence many public roads where they cross Commons with fences on both sides of the road, eg the B4208 across Castlemorton Common. This will very significantly change the 'Natural Aspect', 'Landscape Character' and 'Cultural Landscape' of the area and remove the feeling of 'open space for the recreation and enjoyment of the public' as required by s3 1930 Act. 3. It may seem too detailed a point at this stage of the consultation but fencing can come in many forms and sizes and these could have a significant impact on the natural and enjoyment changes to the area. However they are not considered or controlled by the proposals. 4. Although the consultation document advises that detailed fencing proposals would be subjected to public consultation and possible public inquiry requirements, the proposed 'Securing common land' formal clause at 4(b) does not explicitly state this but vaguely refers to 'processes that may be required' 5. We do appreciate the modern day pressures for stock, stock control and stock safety measures on commons and are not totally unsympathetic to some limited perimeter fencing solution. However the current proposals lack detail whilst introducing significant changes. Thus consultees have to make many assumptions about just how the proposals would impact the open nature, enjoyment and access of this public land. We recommend that much more detailed proposals and examples for the securing of the perimeter of the Commons are provided and that these are then publically consulted again. NB. We have subsequently been told that the proposal is to secure only the perimeter of the commons and not, as we had interpreted, including the roads across the commons which may or may not be legally highway land rather than common land. Moreover the derivation of the numbers in the Castlemorton area example of reducing live stock to just 7.6km of roads is very, very unclear as to which roads are involved and whether or not they are roads on common land or just roads linking common land. Indeed the example encourages the consultee to believe that it is common land roads that are to be secured. Thus we continue to claim that the policy for securing the commons needs much more detail in order to allow proper interpretation and consultation.

Why bother with 'breach of the byelaws'? I am concerned - although having no personal experience - of the effect of fencing on disabled people. I also feel the Trust should secure the consent of someone for a 12 month activity. And who decides what "temporary" means?

I have agreed to securing the perimeter of a common but with some misgivings. It really depends on where and how. I hope that the words "subject to the consent of the Secretary of State and other necessary conditions" would avoid having unsightly fencing beside roads.

Who will pick up the bill if trading in livestock makes a loss particularly at a time when the eating of meat and dairy is to be reduced in order to assist with climate change reduction.

The present 28 days temporary grazing considered adequate. Would require consent of graziers for 12 months temporary fences.

I disagree that "Grazing by livestock is essential to the ongoing management of the Malvern Hills" and think this element of the trust's work should be discontinued. Some limited cutting and mowing at the highest points would be sufficient to maintain the most important views, and apart from this, the hills should be allowed to become gradually reforested to create maximum biodiversity and CO2 absorption. If there is no longer much interest from farmers in grazing the hills, it is perverse for the trust to make special efforts of its own to do so.

The state of the Common at present is overstocked. Watering points will just add to the boggy areas and not maintained.

Are temporary fences for the whole common or just small areas? Depending on the answer, 12 months might be too long.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

Livestock should be looked after by their owners. Grazing is for commoners not for the Trust to use as a business.

Open access is required, unrestricted in any man-made way, except for short periods of one month maximum for grazing purposes.

Where roads cross the land of the Conservators/Trust on which sheep have enjoyed an ancient right to road and to graze, the Conservators' right to construct cattle-grids should be asserted. (I have in mind particularly the road in Hollybush, beside Hollybush Church, etc. where two cattle-grids would save sheep from frequent death and injury and from straying further. Cattle-grids would also slow down traffic and, as in royal parks, would happily advertise the speciality of the Trust's land and its ancient rights.

Maintaining landscapes in their non-natural state takes work and creates problems. There wouldn't be an issue with bracken if the natural state of woodland were allowed to regenerate. And neither would there be a debate about how to manage grazing animals. Livestock brings flies, ticks and climate-affecting emissions (both natural and vehicular), questions surrounding animal rights, as well as a need for fencing. Aside from managing the meadows designated as SSSIs, do the reasons for grazing other areas of the hills justify generating these problems? In a time where tree planting has become a necessity in an attempt to mitigate climate change, grazing to prevent tree growth could be viewed as counter productive, slightly bizarre even. Might it not make better economic and environmental sense to manage less and allow nature to take its course more, particularly on the slopes of the hills?

The consultation document does not appear to allude to cattle grids as a way of controlling livestock, These are likely to be part of the solution. The consultation document recognizes that landscape considerations would be key in the exercise of any power to fence. Our agreement with Q8 part 1 is subject to acceptable solutions being found that minimize the impact of fencing on the character of the AONB landscape.

No comments

Dogs should be on a lead, in areas fenced for livestock, in line with legislation.

I am impressed with the control of livestock on the hills. I walk with my dogs in many AONB & National Parks. None do it better. I particularly like that, not only do you put up signs saying when a dog needs to be on a lead, but also when/where they can run free safely. I have not come across anywhere else that does this. I think it should be encouraged.

In the "seizure of stray animals" section clause 13 appears to contradict clauses 9/10 and the phrase "in breach of the byelaws" appears in the question but not the proposed changes. Clarification is needed.

The Trust should only secure the area of a common if there are sufficient gateways to allow the people to easily enter the area as it is required that the MHT keeps areas accessible to the public.

Temporary "grazing compartments" should be for a maximum of 30 days, but otherwise the Hills should be open and unrestricted as now. Leave livestock to the professionals, i.e. farmers.

Cattle grids can be used to help keep livestock from roads. / Temporary fencing for 28 days, as at present, works well for target grazing, no need to make it 60 days. / Fencing for 12 months is taking away commoners rights, no need, - use hardy traditional breeds, better for eating scrub, less likely to have parasites. / The wording in your text states graziers consent, and proposals don't. S. 10 1884 act - Not to enclose the common or hills / Any livestock trust owns should be traditional breeds, / Clean out existing ponds ditches plenty of watering points no need to install troughs / Dangerous to have powers to kill livestock without a vet certificate as your proposals state.

Sheep are often seen wandering on roads in the Castlemorton area, and often escape through electric fences on the Hills, so these need to be made more secure.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

In exercising a power to manage livestock, the Trust will increase the liabilities to the precept payer through an expanded organisation. The proposal, like many others in the consultation would be acceptable if the trust's income were only from voluntary sources, but it is not. The care of injured or ailing animals which are on the Malvern Hills in breach of the byelaws should be referred to the RSPCA whose funding is entirely voluntary, unlike that of the Trust.

Disagree with permanent enclosure of hills and commons. Surely putting temporary fencing for up to 12 months will lead to permanent enclosure as 12 months rolls over? People with pacemakers have to keep away from electric fencing so I disagree with invisible fencing where one would not know how close one is. Batteries should not be near gtes for the same reason.

Q8 points 2 and 3 can be obtained from the Secretary of State now.

Temporary grazing 6 weeks max due to path erosion. Goats or more sheep needed.

Temporary grazing 6 weeks only as paths are wrecked by cows, but more grazing of sheep needed and more areas grazed. Felling of trees higher up essential to preserve acid grassland.

One of the most pleasant and unique features of areas such as Castlemorton Common, is the open aspect right to the verge. While I take the point that there can be animal fatalities, adequate signing and driving with due care and attention should minimise this issue. Whilst I accept the legal definitions mentioned, fencing the boundary of a common, changes its character beyond recognition. Effectively, you lose a common and gain a large field. Don't forget the absolute priority and purpose of the Malvern Hills Trust.

Water Supply \*\*\*\*\* checked for \*\*\*\*\*

Watering points cause poaching Livestock should not make a loss

(p41) I write as an historian not as a lawyer but I think you will find that in 1884 there was still a difference in meaning between enclosure and inclosure which was fully understood by those responsible for the Act. Enclosure being to erect a hedge or fence around a plot of land. You quote the New Forest as an example of an area where commons have been secured by stock-proof fencing alongside roads. This gives no indication of the limits of that fencing in relation to the size of the Forest or its limited effect on the landscape and nature of the open common lands. At least once a year I travel on the A337 from Cadnam to Lymington and the historical nature of the landscae is preserved in that most of the areas of the common land are still unfenced. I have also travelled on many of the other roads in the Forest and can verify that fenced off areas are rarely to be seen. Signage makes the motorist fully aware of the situation, as does a cattle grid at the entrance to and egress from the areas of common land. The speed limit throughout the area is 40mph, but maybe if those using our local roads are less prepared to consider animal welfare a 20mph limit could be considered rather than the loss of this very special aspect of our heritage.

Fencing of the Commons must be kept to a minimum, this is an essential characteristic of the area and an environment that is more akin to a National Park than modern agricultural land.

I am concerned that hard fencing will spoil the "gentle" view of the commons and create a perceived barrier to entry

All of the above are necessary for good practices in stock husbandry. However, commons need not be enclosed if the original cattle grids were reinstalled. Free roaming livestock is something that contributes to the overall aesthetics of the Malvern Hills and makes it a unique area. On the hills themselves, it'll be difficult to install purpose built watering points, notwithstanding the simple fact that water pressure is not high enough to be elevated a further 500 feet. If you attach a hose at the water supply at the wyche cutting, and run a pipe to the top of the beacon, the water pressure is insufficient to allow water to appear from the end of the hose. section 13 para d with respect to animal health, pasture management is crucial, as is stock rotation. If there is currently an issue regarding parasitic infections I might be in a position to advise further.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

Enclosures are the opposite policy to today's requirement of "Rewilding". Any planned temporary enclosures should remain subject to local consultation. Where common grazing has lapsed, livestock farmers should be asked to tender for tenancy.

Farmers and smallholders exercising their common rights should not be disadvantaged. You should not put their livelihoods at risk.

I agree with owning and managing of livestock, as long as this would not affect existing commoners exercising their rights.

No animals on the Malvern Hills - period. This land is supposed to be wild, end of.

Some people will remember the public furore fifteen years or so ago when the Conservators sought to contain stock by building cattle grids. Therefore the Trust absolutely must use any new containment powers it gains through this scheme with the utmost caution.

The Hills are increasingly being treated like a farm. The temporary fencing and watering points are very ugly- in the last three years there has been an increasing use of mechanised vehicles to assist in the erection of fences. Livestock has always grazed on the lower common lands and the whole character of these areas would be ruined if fences were erected. The psychological aspect of fencing does not seem to have been considered - practical advantages should not outweigh beauty.

All fencing only to be allowed on a temporary basis for 60-90 days. A 12 months time scale indicates a more permanent barriers and no agricultural land is grazed continuously..

The wording in the current acts with regard to fencing is extremely ambiguous. Grazing is an essential management tool for the hills and commons and the Trust should clearly have the power to install fencing and other modes of securing boundaries to allow grazing to continue alongside the many other modern competing users.

Grazing is universally recognised as an essential conservation management tool, and full provision should be made for MHT carry out or facilitate grazing on the hills

Conservator land should be kept open to Public access and unenclosed according to the Acts of Parliament.

Malvern Hills Conservator land should be kept open to Public Access otherwise large areas could be fenced off and closed to the Public for prolonged periods with little reason. The Conservators duties are to keep the Malvern Hills unenclosed as open spaces for the recreation and enjoyment of the public. To do otherwise is a negation of the original aims and intentions of the Conservators.

Fencing of commons would significantly alter the traditional look and feel of the area. other solutions such as speed restrictions could be used to tackle problem of livestock straying onto roads

The more sheep the better to control tree growth h .

Any injured animal or sick animal should be whether or not in breach of byelaws. Otherwise you could shrug your shoulders and leave poor creature to suffer

The ability to manage the land and livestock is fundamental to the Trust.

As a dog owner, I am totally sympathetic with the desire of the Trust to be able to secure the perimeter of the common for the protection of livestock.

Fencing an area such as Castlemorton Common would be enormously expensive. A cheaper and better alternative would be to press for a reduction in the speed limit between Welland and The Plume of Feathers.

Only the perimeter of the common should be secured and NOT minor internal roads. Fencing for 12 months has NOT been shown to remove worm burden, is NOT welcomed by graziers and there are better ways of promoting animal health such as faecal egg counts so strategic wormers can be used and culling animals that become resistant to worms. Old fashioned water tanks could lead to poaching of land around them, perhaps bore hole type bowzers can be used in a location of a short period of time during dry periods to avoid land poaching

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

There are no figures included as to injury/death of livestock .There is already a process in place to deal with this rare occurrence

Temporary fencing for 12 months? Automatically renewable?

I agree "Conditionally" to the power to set up temporary grazing compartments for up to 60 days. These Conditions should be that a) such fencing does NOT interfere with "Commoners existing grazing rights" in any manner or form b) it will not interfere with any grants, subsidies or RPA/DEFRA payments the Commoners are entitled to claim and c) the power of temporary grazing compartments allow the occupier/owner of the animals using these the absolute rights to feed his/her/its animals as is considered in the best interests of animal welfare without referral to the Conservators/Trustees or any of the staff in any capacity. Any Contract with outside parties allowed to graze the land under the Conservators/Trustees Jurisdiction should provide that ability for the owner of the livestock to make such decisions. It is essential for the Conservators/Trust to be responsible at all times to enquire about Commoners Right/Grazing Rights existing and should make any necessary enquiries on a regular basis [Annually] by Publication in the Local Press and its Website for to ensure those with "Common rights" and "Graziers" can confirm this.

The trust must agree that they are working for the public especially MHDC ratepayers and NOT be allowed to use their position for personal financial gain. They must respect the fact that there are a lot of people who have commoners rights and are legally entitled to keep animals on the common and for anybody to assume these rights are breaking the law,as for having the power to deal with injured or ailing animals this would be fine if a registered Veterinay Surgeon is brought in to ensure that the animal/s are given a fair chance and only as a last resort, are euthenased humanely.

I believe these points are sensible and respect the ability to appeal to the Secretary of State in any case. Unsure about power to own livestock if that will alter the Trust's relationship to the land and Commons. I am not qualified enough to comment.

The commons under discussion would be greatly helped if the speed limit was reduced. The setting up of temporary fencing for 60days is fine provided after 60days it is removed also the fencing is not on the edge of paths as it is at present. As I frequently advise your office horses are very afraid of fencing and bolt if they touch it. With all the obstacles horses have to deal with on the hill handgliders remote controlled gliders out of control cyclists push chairs umbrellas loose and aggressive dogs and owners to have your horse in a sweat about fencing is about the last straw

There is a need to put a limit on the percentage of land that is fenced under the combined 12 month and 60 day rule at any one time.

Having livestock and land open to the public doesn't go together - in the winter the land gets far too muddy to be able to walk on the commons where it has been grazed (and you also have to be very careful where you walk which is difficult with children). I believe that the hills and commons should be open for us to walk, cycle and horse ride on for our enjoyment and that only machinery and hand work is used for any necessary cut backs. Using animals for grazing is not necessary and does not enhance the area in any way. Trees are the lifeblood of the planet - and absolutely vital if this planet is to survive - so we should be allowing wherever trees can survive on the hills to do so. People will always be able to make their way around such 'obstacles' if necessary and there will be more of the natural environment to appreciate.

Please see Q13 comment for combined powers to own and manage livestock and buy/develop ancillary land and buildings, to explain my concerns

The agricultural model upon which this whole plan is based - humans farming animals - is immoral and ultimately unsustainable. I do not agree that the hills and commons should be used for grazing livestock. Nor do I agree that this form of land use genuinely and sustainably protects wildlife habitats (with, perhaps, the exception of the fritillary butterfly). I am suspicious of commercial motives behind this specific aspect of the proposals.

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

The commons should remain COMPLETELY OPEN, with no cattle grids or permanent fencing. Previous schemes for cattle grids, for example, have shown how extensive permanent fencing associated with cattle grids at some locations needs to be, thus negating the basic policy of 'keeping the commons and hills open'. Across the country, livestock, and horses in flight, have been seriously injured, sometimes necessitating euthanasia, after being involved with cattle grids. Control of livestock should be by electronic tagging and associated methods, taking advantage of ever-improving modern technology.

Securing the perimeter of the common would completely alter its character so I disagree. 12 month temporary fences are hardly temporary. This is not necessary for conservation or public enjoyment and is contrary to the key object. The Trust should not own livestock but could manage them as many farmers borrow grazers.

The Trust should not try to act as farmers - they are not capable. Open access to the Trust commons is a paramount right of the public and rate-payers and should not be reserved for a few

Para 1 (above) Securing the perimeter of a common unlikely to solve the problem of stock straying onto those (A & B) roads within the perimeter.

Proposal 3: "The trustees may erect, maintain, and repair fencing on common land for a period not exceeding 12 months for the reasons of animal health, following such consultation as the trustees consider appropriate." This has been categorically rejected by all the current graziers including even the one who has had worm resistance issues. It was once suggested by one graziers vet, therefore the statement in the consultation document is actually disingenuous. The only way in which it could be effective would involve fencing off very large areas which is not possible due to easements etc, and you would need powers to fence for longer than 12 months to do it effectively. You would also have to greatly reduce the stocking density. I realize the importance of these animal health issues but feel that neither the problem or the solution lies in the common. Acquisition of new fencing powers does not seem appropriate mitigation for what is basically long term poor farming methods. Currently the part of the common that is suffering the most is where the farmer actively encourages his sheep to settle on masse in the evening all the year round and supplementary feeds them there in the winter as well so it is hardly surprising the situation has arisen. The issue of animal health on the common needs to be looked at holistically in the shared context of the physical ability of the farmers to effectively manage the quantities of livestock they have, selection of appropriate breeds for the common, responsible use of wormers combined with selective breeding to build worm resistance within the flocks themselves. Additional use of temporary short term electric fencing could be a part of that to facilitate some cross species grazing which would also benefit the vegetation. Currently the mire areas of Castlemorton look like they would greatly benefit from being tightly grazed off by sheep. Unintended Consequences Of Fencing Off Areas There is currently great demand for secure safe sheep free dog walking areas. People now pay land owners to use these. MHT will be effectively creating a free large safe perimeter fenced area of countryside for people to exercise their often untrained dogs. I graze other fenced nature reserve sites with public access and this is becoming a major issue which is difficult to police. Wildlife will obviously be effected and re-introducing stock proves problematic. I also think it will lead to a degree of resentment amongst horse riders which will not help build positive relations between user groups.

The role of the trust is to manage the hills and commons and not livestock.

1) There is not enough proposed information on HOW the Common will be secured to give an informed opinion 3) There isn't any information as to exactly what the Trust would do with the enclosed land during the 12 months to give an opinion 4) They say there is no intention of establishing a farming enterprise (p51) but they want to be able own livestock? 5) Again, not enough consideration into water points, for example poaching around the water troughs

**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

The commons should be unenclosed as currently, and as has been historically the case. Traffic should be alerted to the fact that animals are free and will be found on the roads by signs on entry to and exit from the area of grazing. The speed limits should be reduced accordingly. Any necessary fencing (e.g. when cattle are with their young) should be done with unobtrusive electric fencing of a temporary nature. Demarcating specific entry and exit points is fundamentally contrary to the convention of common land.

1) The trust needs to understand if they own and manage animals then someone needs to be on call 24/7. 2) I understand the trust wishes to close off areas of the common for up to 12 months in the interest of animal health due to a current claim there are areas heavy with a worm burden resulting in stock looking poor and of ill health. No attempt has been made by the trust to ensure the animals grazing these areas of concern have been wormed. The trust needs to add to this new power that they will require the necessary rights to ensure stock grazing in areas where there is a heavy worm burden are being wormed and not just take the farmers word for it. For example the trust will be allowed if required to ensure a vet or staff member of the trust are in attendance during the stock worming process.

The securing of a common means foreign livestock could be brought in with the high risk of disease to existing commoners grazing stock. This situation is and would be totally unacceptable to myself and other graziers. The trust already has existing powers to use temporary fencing for livestock and is using it effectively for cattle. The trust have no qualified person to deal with livestock that are sick or injured, so the existing byelaws are adequate where they contact the owner.

Fencing-in and enclosure are fundamentally opposed to the original aims of the Conservators and the earlier acts. Livestock on the hills will restricts the behaviour and enjoyment across a range of users - and should only considered selectively and moved around. There is already a power to temporarily fence areas for 30 days and this should be used. The pressing need for 12-month enclosure is not properly explained and 'subject to consultation' is not enough of a challenge. It will be very easy to perpetuate this as a rolling 12-month item, ignoring seasonality. Stray animals on roads etc is certainly undesirable, but drivers should be made aware of the risk by signage. This signage should be updated regularly to make it pertinent. Rather than fencing, ditches would be a far better solution.

a) Securing the perimeter of the common would not stop stock from straying onto the main roads within the perimeter.

Temporary fences for up to 12 months and then maybe temporary fencing for another 12 months = permanent fencing. This should be made clearer - i.e max 12 months in any 36 or something along these lines.

Effective conservation grazing clearly has a major role to play in the effective management of the Hills and Commons. Given the pressures on the farming sector these activities are increasing unattractive for farmers. The Trust will need to develop a clear long term plan for the use of livestock on its land given the potential cost and complexity of managing livestock. Any fencing should be sensitive to the need to balance access and effective management of livestock. Its primary role should be the management of livestock not the exclusion of the public. I note that temporary electric fencing has been used in a number of sites already where that balance has been effectively achieved.

No comment.

I would like to understand how the trust thinks it will manage animals on the commons. There is potential for conflict between commoners who have grazing rights but no powers to protect their livestock and the trust who has no grazing rights but can fence and protect livestock. I would like to see more of a partnership approach. Commoners own the animals and the trust assists with conservation management and protection.

Animals are important but it is also important that public has access

Important to have access to hills maintained.

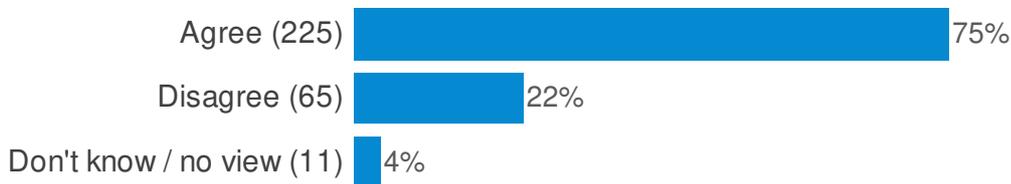
**Please use the box below if you wish to comment further on our proposals to secure the commons, the proposed temporary fencing powers and on looking after livestock (Please use the box below if you wish to comment further o...)**

temporary grazing compartment : as with so many questions in this consultation , insufficient detail is given to enable an informed answer : for example , temporary grazing compartments - what size? and what about a minimum number of access points guaranteed for each compartment ? So , since I don't disagree in principle, I am forced to check the Don't know / no view option .

Two "Don't knows" above - firstly the fencing of a common - I am not sure as I do not know the difference between a fenced common and a field. I am also curious given the much reduced size of the proposed trustees (which I object to see previous answers) why you would want to undertake the extra duties of owning and managing livestock, it appears incongruous and a potentially unnecessary diversion from core purpose.

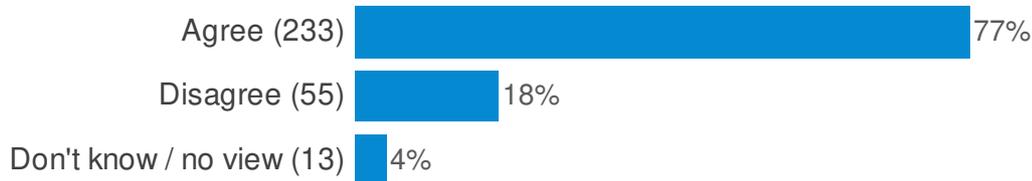
**Quarrying & removal of spoil - Page 47**

**(The provision permitting stone to be taken from the Hills for highway repairs should be repealed (s15 1884 Act))**



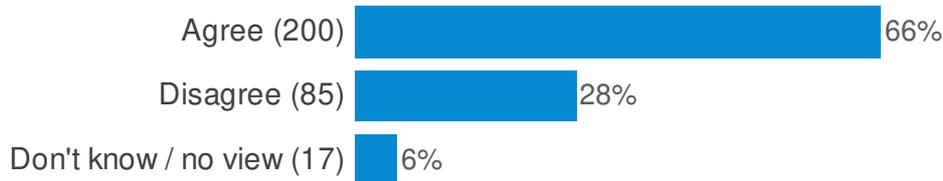
**Quarrying & removal of spoil - Page 47**

**(It would be more environmentally friendly if the Trust could use loose rocks and spoil from its own land for repairing paths etc)**



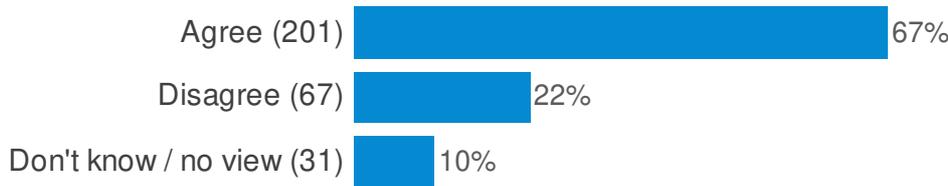
**Quarrying & removal of spoil - Page 47**

**(The Trust should have a power to take a limited quantity of loose rocks and spoil for its own use without applying for planning permission )**



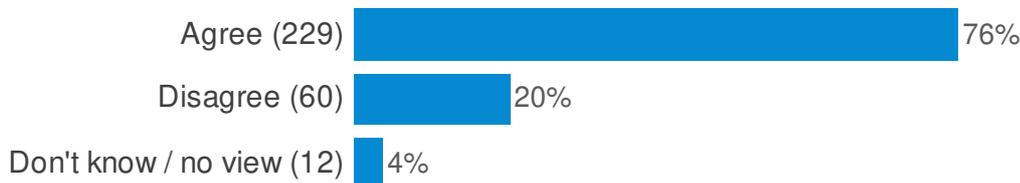
**Quarrying & removal of spoil - Page 47**

**(The Trust should be limited to using 25m3 of rocks and spoil per year, and should be required to consult the AONB )**



**Quarrying & removal of spoil - Page 47**

**(The Trust should have a power to create barriers to physically prevent unauthorised vehicles from persistently driving on the Malvern Hills)**



**Please use the box below if you wish to comment further on our proposals on quarrying and the use by the Trust of rocks and spoil (Please use the box below if you wish to comment further o...)**

Quarrying must be restricted. Using loose rock OK but care be taken that staff are not put into danger. Concern that barriers to stop vehicles could get out of hand. Barriers need to be defined more

All of this is an over prescriptive and are changes that are unnecessary. 25m3 of rock/year is alot . It risks exploitation by and a commercialization of the malvern stone.

25m3 is very difficult to measure. 75 tonnes would be a far better measure, and many vehicles have automatic weighers on board.

Clearly mountain bikes can be the cause of damage to the Hills, so bicycles can't be included in the requirement to maintain access if barriers are erected to prevent damage. However, I would trust that the policy outside such situations should be that access for cyclists would be maintained wherever possible.

The Conservators prime aim is one of conservation and therefore should not get involved in activities which could result in a conflict of interest situation.

Unauthorised vehicles MUST include cycles. Environmentally friendly is a very loose term and needs to be defined more clearly.

By 'unauthorised' I hope you mean those without permission from the Trustees. I know, for instance, that Rotary have given a lot of pleasure to elderly friends who have been taken to the top of the Hill recently. With regard to repairing paths, yes, please! I recently hired the Trampler from the Geo Cafe and my family and I ventured to the top - something I have not been able to do since 1991. The directions were for us to go up the Western path which was really tricky since the vehicle was sliding off exposed drainage pipes and rather big rocks in the narrowest part towards the top. (The descent on the Eastern path was much better.) I know nothing about the size of rocks and spoil but I am sure there are those who do!

Provided these barriers do not in anyway impede people (on foot) or animals. This must not be used to create fences/enclosures by the back door.

**Please use the box below if you wish to comment further on our proposals on quarrying and the use by the Trust of rocks and spoil (Please use the box below if you wish to comment further o...)**

In relation to the last point, such barriers have historically been incorporated so I do not understand why you need a new power !

Whilst some revision of the above items might be appropriate the above proposals give powers to the Trust to act without control by the precept payers and act as a "business" rather than a public body.

The potential for these powers are more related to business activities than conservancy although there may be some scope to change some of them outside of this consultation.

In relation to MHT use of loose rocks and spoil: (1) It is important that the natural screes created by frost shattering (eg in Rushy, Wide, and Rocky valleys are not disturbed. These are designated Local Geological Sites. (2). It would be appreciated if EHT could be informed when new temporary exposures are created by the removal of loose rock, so that a geological assessment can take place.

The primary aim of the Trust should be one of CONSERVATION and not entering into commercial enterprises which could result in A CONFLICT OF INTEREST.

The Trust's primary aim should be one of conservation, not of setting up a commercial enterprise which may lead to a conflict of interest situation.

The removal of rocks and spoil can be disruptive and leave an unsightly mess behind - care needs to be taken. Some spoil heaps (eg at Berrington Quarry) have become very attractive to butterflies.

Each of these proposals should be considered outside of this public consultation.

Motorbikes on British Camp are a terror which I hope you can stop please. Also limiting cycle useage to sections / paths so my children can be safe please

The repair of paths with local stone MUST be accompanied by improved draingage to prevent future excessive damage. Run-offs needed.

This would lead to too much change of the landscape. The paths are fine as they are. We don't need more barriers restricting access.

Again, thin end of the wedge. Let the Trust use its own rock and they are effectively quarrying, altering the appearance of the area.

By removing spoil from heaps it should be done so as not to impact the status of an SSSI. 25m3 does not seem a particularly large amount. What happens if you want more... you salami it over several years. Why limit the volume if you are going to need agreement anyway from the AONB.

I think that the Trust might need more than 25m3 of stone and that the limit should be set at 100m3. Barriers are fine so far as there is a way round them for pedestrians and disabled person vehicles and horses.

Barriers should only prevent motorised vehicles access

In the interests of democracy and transparency The Trust should be applying for planning permission as would any resident in the area.

The ability for MHT to use "its own" spoil makes sense, as long as it does not need to generate new spoil in future years, once the existing spoil is used up !

The question regarding quantity I agree with on the basis that this is "loose rock and spoil". The word "loose" is missing from the question. As stated in the consultation document there should not be any new quarrying and the questions should be clearer on this. Consultation before use is key in order to fit with the objects of the trust, a spoil heap is not exempt from having important plants or wildlife on it for example. Barriers are fine so long as cyclists are also not prevented from accessing the hills. Only reference to pedestrians and horse riders is mentioned in the proposed wording in the consultation document.

From experience applying barriers restricting access is a vital component for the preservation of land and wildlife in general.

**Please use the box below if you wish to comment further on our proposals on quarrying and the use by the Trust of rocks and spoil (Please use the box below if you wish to comment further o...)**

While understanding the need to prevent driving in some places, the power to create barriers could be used to block off the land next to the Mill Pond (for example) which is of great benefit to users of horse boxes and people towing mobility scooters.

Barriers should also allow access by cyclists and by Personal Mobility Vehicles users and these should be added to this proposal

Q10 point 5 - "persistently" is not what the text says. I cannot see the connection between the last question and the subject matter. In any event, the last question introduces a concept - "persistently" - not canvassed on the overall document. Who decides what is "persistent"?

Some of the stone could be used to repair existing access to properties.

Re. last point: Yes, does the Statute not say 'No wheeled vehicles' which in my view includes bicycles, that in recent times have become increasingly dangerous, with many more using the hills, speed, aggressive riding, and off path downhill ruination of scrub and topsoil.

Whilst assumed to have been calculated as being sufficient, it seems unnecessary to limit the volume of material able to be used to an annual figure - this may limit the ability to sustainably undertake specific works or may lead to unnecessary stockpiling. It is suggested that a requirement to consult the AONB is sufficient to guard against significant adverse impact upon the landscape, although perhaps this should be strengthened by requiring any proposals resulting in objection by the AONB to be referred for approval (e.g. by the Secretary of State.)

Q10 point 5 - Strongly agree.

Whilst we agree with the limited use of rocks and spoil for the Trust's own purposes the requirement to consult with the AONB seems somewhat superfluous. In any case no mention is made of what power the AONB would have in respect of such a consultation. It is disappointing that this opportunity has not been taken to explore the potential for small scale use of loose rocks for the purpose of heritage building restoration/securing the character of the built environment. We would expect that any barriers to physically prevent unauthorized vehicles should be informed by the need to protect landscape character.

No comments

Definitely need to be able to prevent people driving and parking on SSSIs etc.

By stipulating a quantity one is being over restrictive. Barriers to be in keeping with surroundings and not likely to be detrimental to animal routes.

It would be desirable if there was a limited source of Malvern Complex stone to allow repairs to buildings in Malvern to maintain the vernacular character of the area. If stone is taken for repair of trackways etc., a geologist should be consulted. It is vital that the importance of the geology is recognised. For example, loose material should not be taken from the periglacial screes which have been designated Local Geological Sites at Rushy Valley and Wide Valley. There are other areas with rare and special mineral assemblages which should be preserved.

Do not waste levy-payers money by repealing this part of the Act.

Removal of fallen rocks impacts on wildlife which has adapted to survive in these areas now. If people see any removal or re-use of stone, it will encourage illegal stealing of it at night.

Lead to loss of a now established habitat and would encourage people stealing rock to sell.

Whilst in agreement that there should be powers to erect barriers, the problems that necessitate them are usually of a temporary nature therefore simple remedies, such as the placing of large pieces of local stone, should be used wherever possible. When the problem has abated the barriers should be removed.

**Please use the box below if you wish to comment further on our proposals on quarrying and the use by the Trust of rocks and spoil (Please use the box below if you wish to comment further o...)**

The conservators already have the ability to do much of this, under the acts, material is not being removed from the hills, redistribution is not prohibited. With reference to physical barriers to prevent unauthorised driving on the hills and commons, originally there were many ditches on the commons. This was one of my pledges when standing for Guarlford - the poor state of ditches, ponds and waterways. I am at a loss as to why the trust feels unable to perform this duty, as there is already the power to create such barriers. It is called 'renovation' of existing structures, something the trust should be doing anyway. Some of these ditches have been lost completely, particularly down Hall Green and the Guarlford straight. Contact me for further information.

Re physical barriers, please see my comments to the previous question. Utmost care in using this power too.

I agree that the Trust should be able to use tailing and loose spoil in the quarries for path repairs etc as this is far more sustainable on so many front!

sensible provision and clearly both more suitable for use on the hills and more sustainable

There are insufficient details about what your intentions are.

What quantity are you currently allowed to use?

There is a conflict of interest if the Trustees want to be able to sell, purchase and work in conservation. The powers now being sought are far greater than are needed for Conservation and could lead to exploitation. The proposals will allow the Trust to engage in a number of commercial activities which would have been a completely alienable concept to that envisaged by the founding conservators. The extensive powers being sought are a complete negation of the original aims of the Trust. Given that Trust members are only in office for a period of time, there is no knowing how these extensive powers will be utilised in the future, with the result that the Malvern Hills could be ruined forever.

As long as it was to the advantage of the keeping hills beautiful possibly more one year and less next year but not more than specified amount every three years

All very sensible

Please, no barriers.

Quarrying was stopped to prevent any more destruction and defacing of them! As an area of outstanding natural beauty, the trust should respect this fact and realise that the decision to close the quarries was not taken lightly and many jobs were lost at that time. To even suggest using the quarries or the stone (which has lain where it is for many years) seems to confirm that the trustees of the Malvern Hills trust have lost sight of the original reason that the Malvern Hills Conservators were formed and that the trustees are not from this area and really do not have the Malvern hills interest at heart.

Any barriers erected should be so designed as not to unreasonably block access for electric wheelchairs or buggies on paths which where these would normally be able have access

I am not sure that an annual limit needs to be specified, and I do not see the necessity for the AONB to be consulted. If the MHC/MHT need loose rock and spoil for a particular project or projects in any one year, I see no reason for a limit to be imposed. Regarding barriers to prohibit vehicles, there is the risk that these barriers could become numerous throughout the hills and commons. If they were approved, great care on siting and obtrusiveness should be exercised.

Although the use of loose stones appears sensible it should not be permitted as the intent is to make hard more paths spoiling their place in the environment. Walking on a stone track is not as nice as a natural path. Having to buy stone makes the Trust think very carefully where it will "improve" paths. If the Trust gets this power it should have to get planning permission so the public would be properly consulted. No the Trust should not be able to prevent vehicular access. This is an attempt to prevent horse boxes or trailers and to require paying car park use. Physical barriers are also contrary to the openness object.

25 m3 a year is far to high. Over a long time this would mount up.

**Please use the box below if you wish to comment further on our proposals on quarrying and the use by the Trust of rocks and spoil (Please use the box below if you wish to comment further o...)**

I can't see what is to stop the trust buying more land and using the Malvern stone and rocks for that land so the use of the Malvern stone should be specific to original trust land, Also how much is a limited quantity, over many years a limited quantity could end being a lot.

No quarrying.

I feel there should be the understanding that the use of loose rocks and soil is for the Trusts use only and not to be used for commercial gain.

Any 'loose rocks and spoil' should not be used by anyone other than the MHT and such materials should not be used for commercial /financial gain.

It does appear to be rather ridiculous that the trust cant use stone and rock for path maintenance etc. Many historic buildings incorporate malvern stone and it gives the area its distinctive character.

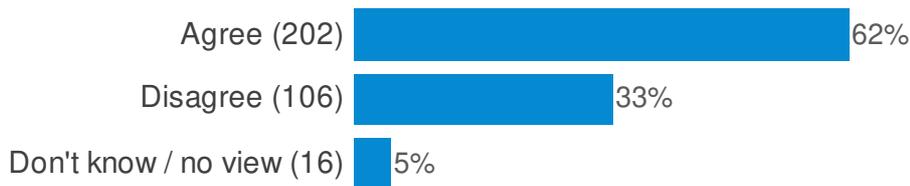
This is worrying as the surface of the hills could be damaged by rock removal. There is potential for abuse. Destroying the image of the hills.

Nature of Malvern needs preserving

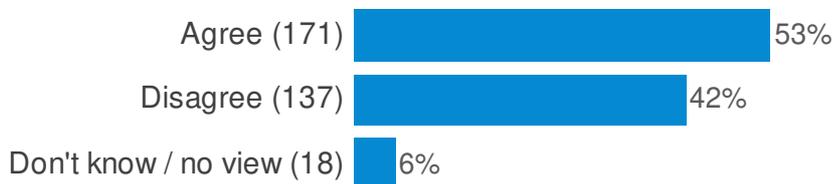
The proposals regarding quarrying seem very sensible

Loose rock and spoil only - no quarrying

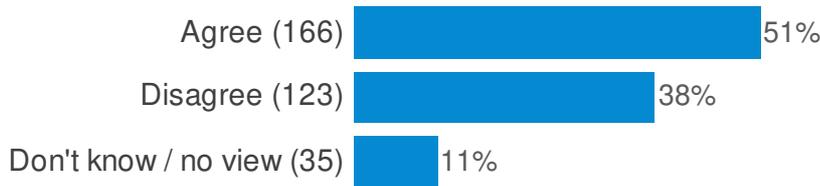
**Ancillary Land and buildings, leases and licences - Page 51  
(The Trust should have a power to acquire land and buildings for the care of livestock)**



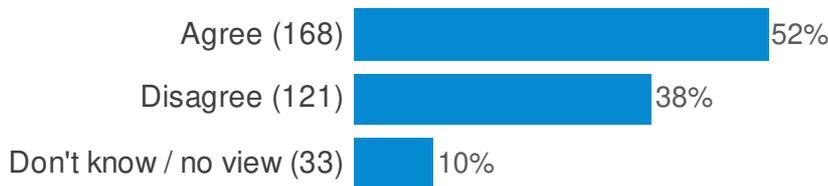
**Ancillary Land and buildings, leases and licences - Page 51  
(Subject to obtaining planning permission, the Trust should have a power to build premises on land which does not form part of the commons for the following purposes: offices, storage, information centres, sale of refreshments, sale of goods, housing livestock and for occupation by employees)**



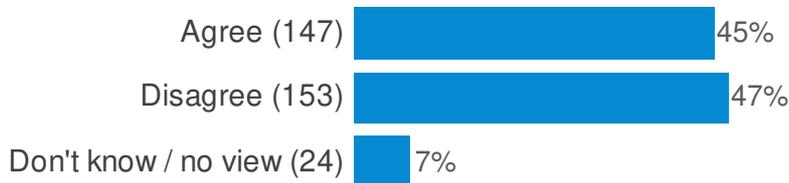
**Ancillary Land and buildings, leases and licences - Page 51**  
**(The Trust should have a power to grant licences of land (subject to existing public rights of access) and buildings)**



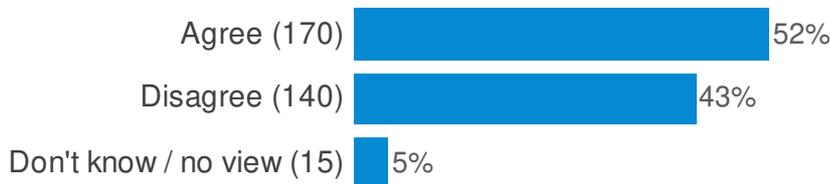
**Ancillary Land and buildings, leases and licences - Page 51**  
**(The Trust should have a power to grant leases of buildings and land which is not common land (subject to existing rights of public access) for a period of up to 10 years)**



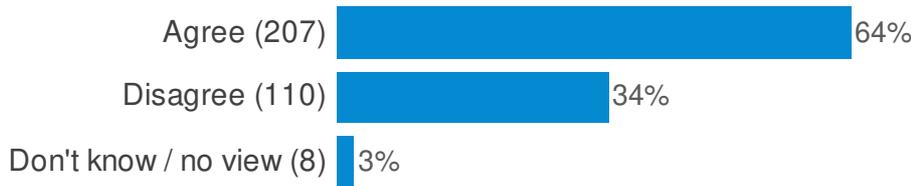
**Ancillary Land and buildings, leases and licences - Page 51**  
**(When planning permission is not required, the Trust should not be required to obtain the opinion of the local planning authority when granting overground licences for services)**



**Ancillary Land and buildings, leases and licences - Page 51**  
**(The Trust should have a power to issue licences to people or organisations who wish to carry out activities or run businesses from Trust land)**



**Ancillary Land and buildings, leases and licences - Page 51  
 (The Trust should have a power to grant licences for temporary food stalls in association with events for a period of no more than 7 days)**



**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

Currently business is not allowed on MHT land. It must continue. Folk enjoying the freedom of the hills do not want to be confronted by an active business carrying out activities.

Whilst agreeing that the Trust should have the power to grant licences, again I would like to see these licences contingent on appropriate environmental standards being reached by the organisations as a condition of the licence being granted e.g. zero / low waste, compostable packaging, renewable energy sources. Also perhaps restricted areas where food stalls could be set up to minimise environmental damage, and some provision to fine for any consequential littering. Dog walking - would it be practical to limit the number of dogs one walker may take out at any one time, and for the walkers themselves to be identifiable so that complaints over unruly dogs are possible? At present, some walkers (private as well as businesses) allow their dogs to behave antisocially and even threateningly, and it's impossible to complain because they are not identifiable.

It is clear that the vision of this organisation that you look to create have changed considerably from that which has existing in the past. It is a business (opps, modern charity), all those activities open up risk to the land and malvern. It accelerates to rate of change. The current act form a change and balance against fad and individuals. The changes proposed will allow/motivate the organsation to be taken over people who seek to use it for there own gain.

Rather than temporary food stalls, I suggest you say refreshment stalls - to include drinks, etc

I don't want to see a plethora of National Trust style shops! Some of these provision are a threat to the integrity of the lands managed by the Trust.

The mandatory precept is paid for the maintenance and conservation of the Hills and Commons. It is not paid for a public body to become a landlord or commercial operator.

Maybe leases should stipulate certain environmental standards should be met by the lessee

Maybe any licences should have environmental conditions attached.

If powers are granted for sale of food what about toilets?

Food stalls mean more litter on commons, which I regularly pick up on land without food stalls!

A general power to allow activities, businesses and food stalls opens the floodgates. Close scrutiny and control would be needed to keep these in the right place and on an appropriate scale.

Again, all seems reasonable but I feel unqualified to express an informed opinion on planning permission.

May enable temporary catering outlet to operate from top of beacon

This dilutes the purpose of the trust

The Conservators were not set up to engage as a property company in any way

**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

I am concerned that the new Act should continue to afford the absolute protection from developments stemming from commercial interests that the existing Act provided. e.g. the matter of the cable car was a bruising and expensive experience but in the end it was the Act which protected the Hills from this. I am also concerned about the licensing of 'events' and everything connected with these. While often for laudable purposes events often cause disruption and nuisance (loud music, runners, cycling competitions etc) for local people and for those who visit the hills for the peace and tranquility they provide. Could I suggest that a limit could be placed on the frequency of such events particularly during the summer months.

MHT should be focusing on managing common land not ancillary land and where at all possible ancillary land should be tested as common land. Some of these questions and the plans they seem to be focussed on suggest a significant move away from what should be the real objectives of MHT - conservation and not business use of/raising money from ancillary land. As you give no detail as to the amount of ancillary land in comparison with the hills and commons it is difficult to comment on how much of an issue this really is.

I would like to see the Trust act as Conservators of the hills and commons and not engage in any other activities.

The cafe should be rebuilt on the top and the land should be allowed to go back to nature rather than grazing.

Since I do not agree that the Trust should have livestock on its land, particularly on the hills, I do not agree that it should have the power to acquire land or buildings for this purpose, likewise building premises for this purpose.

These proposals would give license to the Trust to give permission for business and retail activities without any consultation with local precept payers.

These proposals are further business type activities and could result in the proliferation of business and retail activities that could change the nature of the Malvern Hills with no local sanction as meetings are closed, there is no direct local representation and all Board members must put the objects of the charity ahead of any local considerations.

The proposals above would allow the building of food outlets and offices on the Malvern Hills. The Trust does not need such extensive buildings and certainly not on the hills. The whole beauty of these Hills is the means of escaping into a freer more beautiful world unimpeded by monetary concerns and the extra rubbish which would inevitably ensue.

The proposals would allow the building of food outlets and offices on the Malvern Hills. There are plenty of shops available in Great Malvern and houses available for offices in the surrounding area without blighting the Malvern Hills with such buildings.

Most of these proposals are related to proposed trading activities that would only be subject to considerations that are in the interests of the charity and not those of local people whose interests and requirements cannot be set against that of the charity and are not directly represented. The charity commission do not have a good record of properly controlling charities as can be seen from the fundraising and abuse scandals over recent years. There is no evidence of any improvements in their governance.

Issuing licences for activities may manage to limit some dog walkers but is is all of course dependent on the SSSI / archaeology designations taking precedent

Acquiring Land and buildings for livestock is not part of the purpose of the charity. Providing housing for employees, storage and livestock seem well outside the objects and purposes of the Charity. Licensing activities of short duration for activities on trust land is obviously sensible but business arrangements and payed leases resulting in commercial income on trust land, preserved for the public, should surely be subject to wider scrutiny? This is again not a purpose for the Charity.

These are powerful and wide ranging powers that are not necessary.

**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

These questions imply increased commercialisation. This would detract greatly from the conservation of the Hills and I am very opposed to it!

The local planning committee represents a further ininsurance that hasty decision-making within the Trust does not lead to development proposals near the Trust's land becoming inevitable.

For charity walks etc. , walkers have their own provisions...water etc. with them. Don't need food stalls, and certainly not for 7 days !!

I think it is perfectly reasonable to consult the local planning authority regarding licenses for services

"... a power to issue licences to people or organisations who wish to carry out activities or run businesses from Trust land" is far too wide. It would allow charging for individual walkers' access! Any such licence rights needs to be individually specified in By-Laws authorised by Parliament.

The Trust seems to be heading for full commercialisation. A primary concern should be the conservation of the Hills and Commons; I do not agree with unrestrained power.

The conservators should be focusing on conservation rather than business operations.

Permission should not be granted for building accommodation for employees.

This is the commercialisation of the land. Food stalls will increase litter and visitor numbers. No thank you.

This is running a business and allowing business and buildings to be built on land previously exempt. The trust does not exist to build premises or services, nor run a business. If permission for a business were granted, this would imply access rights (vehicular) which most certainly will affect the landscape .and public access.

Q 13 Making money from the land and increased commercialisation is not what the Conservators were set up to do.

Q 13 Making money from the land and increased commercialisation is not what the Conservators were set up to do.

The two disagreements are about one thing: the Trust should have the power to build/acquire buildings - but ONLY for its own uses and objects as set out on p8. This maybe implicit, but needs to be made explicit: otherwise land is bought thru the tax base, developed into industrial units, leased out (competing with local lessors) and an income derived; and so MHT becomes a property company! Exaggeration for illustration!

Q 13 Making money from the land and increased commercialisation is not what the Conservators were set up to do. Car parking is an exception and is ok.

occupation by employees at less than market rent raises a warning flag - is there some provision to prevent abuses (such as providing luxury accommodation for the CEO as some kind of hidden extra remuneration)? I have disagreed about food stalls as 7 days seems to envisage large scale events, which would detract from the enjoyment of the hills for everyone else. I have also disagreed about licences as it the provisions seem too open-ended

Whilst agreeing in principle to the above please note comments below. The need to build housing for trust employees seems unnecessary. What does licence of land mean? - needs better explanation. With respect to licences for events there may need to be some safeguards in the scheme ensuring disruption is not too great . I can foresee arguments over granting licences for more money versus your primary objectives of preserving the hills. Again this depends on the event and whether the licensee is seeking to serve the general public or just those involved in the event .

So far as granting licenses and leases are concerned, I think that this should always be subject to relevant professional advice being taken and that that professional advice should also certify that the amount being paid for the right is fair in the market. The rust should have a clear policy so that Trustees know what their duties are with regard giving access across Trust land for developments however small.

**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

The Trust needs to obtain expert advice to ensure this section is robustly worded. It could open The Trust and The Hills to abuse by the unscrupulous if it is not very carefully constructed.

The Trust should be protecting the environment in its natural beautiful form and not seeking to utilise it to make money.

Whilst the proposed wording clearly centres around ancillary land, there may be merit in adding an exclusion of any such building, leasing or licensing to Purpose land Does Q2 above relate to "hills" as well as "commons" ? Does Q6 relate to all MHT land, or just Ancillary land ?

The granting of licenses for activity on the hills is good to manage things but should be a fair balance between community interest and business use, coupled with the scale of the activity and the impact it has upon the use of the hills by others. For example a commercial running event organiser putting on an event for profit compared to a local school running a regular cross country on the hills. This power should not simply be used as an opportunity to make money from everyone. If over-ground services do not require the opinion of the local planning authority the revised wording should be an absolute requirement to consult with the AONB.

One of the great things about the hills is the lack of commercialisation. Food stalls and refreshment shops will bring litter. If people want food on the hills or commons then they can always bring a picnic.

No loud speakers should be allowed on the commons likely to disturb the tranquility of any common.

Why?? - to go farming....or empire building

We suggest that there should be a restriction on the number of additional but temporary licences that can be granted. We suggest another 6 licences would be appropriate.

I agree that "activities" can be licensed. I do not agree that "running businesses" can be. This is a loophole as big as a barn door! Is not, building houses, a business? Proposal 2 should NOT include buildings "for occupation by employees", i.e. housing.

This looks like an unlimited and inappropriate power to run businesses on Trust land.

Requirement for a monitoring mechanism to ensure consultation initiated with local residents who may be affected by potential licensed activity.

The powers under the existing Acts are quite sufficient, and any commercialisation of the Malvern Hills must be resisted.

The Trust should have a power to issue licences to people or organisations who wish to carry out activities or run businesses from Trust land, and have a power to grant licences for temporary food stalls in association with events for a period of no more than 7 days providing that there are no charges made to charitable organisations for using the Hills and Commons.

The MHT desperately needs a public face in the area... a shop and cafe would go some way to fulfilling this role. An education centre combining these would be even better. At present many people don't really understand what the trust is or what the organization does. Having a building would provide an opportunity to interact with the local community and also visitors, to explain the work you do and why you do it. Obviously it would also give you the opportunity to make money to further fund your work. I suggest that you incorporate a facility for children, in the centre I am proposing. A guided walk, a natural play area. I also suggest that you start providing activities for children. At present most of what you do seems to be aimed at and for baby boomers. Parents and children are largely overlooked. This is a pity because research shows that children desperately need more contact with the natural world. The trust could help with this. I know from talking to parents living in Malvern that they will get in their car and drive to the Fold in Bransford, because it has a way marked walk with interpretation for children. This is bad for the environment and bad for the trust.

Housing for employees on the Trust Land is open to being detrimental to the overall landscape. Running businesses requires very stringent controls, as does catering outlets and events. Music festivals would not be welcomed!

**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

Permission was not granted to rebuild the cafe on Worcester Beacon after it was destroyed by fire. This was a valuable resource providing refreshments for those who had climbed the highest part of the hills. More information is needed about what is intended in the way of buildings on ancillary land and the purpose for which they are to be used. Temporary mobile food stalls are a strange idea. Temporary licences granted should be subject to complete clearance of litter in the area after the event.

Existing Acts provide quite enough power already, and any commercialisation of the Hills is unacceptable.

Don't agree should be able to run businesses and events should be with consultation of local residents. Food stalls not appropriate for some areas

Certain businesses should not be considered, eg a cable car or a cafe in an unsuitable location.

Qu 12b: sale of refreshments only. Rest is unnecessary and can be done elsewhere

Food stalls will increase litter. The HillsTrust's job is to preserve the rare acid grassland ecology of the hills, not to promote increasing human activities on the hills which in turn leads to conflict with birds and wildlife, erosion of the hills and safety of those already facing the dangers of mountain bikers and professional dogwalkers. Visitor centres and food stalls are conflicting leading to more litter. Professional dog walkers should be prohibited as under current laws, not promoted as a source of income by issuing licences.

Organisations within a Parish who wish to have a free entry event on common land within their parish must be allowed to do so without charge or licence. By notification to MHC, say 6 months in advance.

No exploitation of hills for public use...no food stalls leading to litter . No licence selling to professional dog walkers....these are already breaking hills laws and are endangering private dog walkers and their dogs by having a pack off lead on small paths with no recall....have experience of this!

Apply existing rules and stop professional dog walkers not encourage them by selling licences! The trust is anxious not to have cycling accidents or people fall from quarries, but this increasing problem of packs of dogs off leads and not responding to recall is not addressed and injuries to private dog walkers and their pets will happen.

Q12 point 1 - Does the 1st question mean existing buildings? If so, yes. But no new buildings.

I think that the Trust should be subject to the powers of the local planning authority and local ratepayer opinions

The power to issue licenses for the carrying out of activities or running of businesses from Trust land requires very careful consideration as however well-intentioned it might seem there is a danger that it could run counter to the objects of the Trust by allowing activities that detract from the general enjoyment of the Hills. Specific safeguards against overuse of this power need to be built in to the arrangements and a right of appeal by 'neighbours' of the the Trust's property to any nuisance that might arise from licensed activities.

p55 para 3: Agree but only if the licensing of land relates solely to Ancillary Land. Whilst in agreement that the Conservators should have power to issue licences for organised events and possibly use them as a means of limiting the number of events taking place and consequently reduce the amount of erosion being caused; I do have serious concerns as to how these powers can be used. The example quoted of "professional dog walkers" sounds alarm bells - the Malvern Hills are not an urban park. The power to grant licences for temporary food stalls for up to seven days is excessive; up to four days would be adequate, even allowing for Bank Holiday weekends.

The power to issue licences should be for temporary public events, or for agricultural/land management purposes, and not for housing or manufacturing purposes.

**Please use the box below if you wish to comment further on our proposals relating to ancillary buildings and land, leases and licences (Please use the box below if you wish to comment further o...)**

Q12.point2 and 6: I do not think the Trust should have the power to open up our land to what is substantively a growing commercialisation. Information, yes, but it doesn't need a building, just weatherproof, readable plaques placed at relevant points, as happens in other wild places. Or why not use one of the many empty centrally located shops as an information, education and commercial hub (except for rthe animals of course.) Point 7: think 7-days too long a period.

Livestock grazing is an integral part of the management of the hills and commons, whilst convoluted the existing acts make some provision to allow this but is not strictly worded as such. This is due to the way legislation is written, should anyone object then they are free to apply for a ruling by the supreme court. With regards to operating mobile food stalls, care needs to be shown as the conservators already have the ability to issue a fixed number of temporary licenses. It is dangerous territory to allow entire businesses to operate solely on the hills, however that is NOT of concern to the conservators, it is a business decision and any business relying on such an arrangement needs to have it explained that conditions can change. That is a business decision, it is of no concern to the conservators if a business that relies solely on access to the hills subsequently folds due to the business 'taking the piss' and finding such privileges revoked. I disagree with the obtaining of the opinion of planning authorities, it is vital to have the added layer of protection to prevent future boards doing something daft. Issuing temporary licenses. On page 58, section 21 states there is no CLEAR power to grant such licenses, however under the acts, precedents have been set and the conservators do in fact retain the power to do so. Again, this is down to interpretation of the acts, and precedents set. Such events do need to be managed, and would fall under the provision of the acts to maintain the hills for public enjoyment. This would have to be done within reason. I would anticipate organisers submit an impact assessment. I mean, a charity fun run would be fine, but a regular marathon every day wold be an issue. Furthermore, other types of event can, and probably would assist in other areas of importance. For example Salisbury plain sees an increase in diversity of flora and fauna as a result of the tanks creating large, deep ruts in the soil that promotes certain habitats. I'm not advocating driving tanks over red earls dyke, but it is something that can be considered. With respect to these and other issues, I would therefore now propose the creation of a working party to look at the proposals within the documents and develop a satisfactory working framework that the trust can use to facilitate future progress. I would be interested in providing such assistance.

Food stallholders should be required to leave the site of their stalls clear of litter, with any damage to the ground made good to the Trust's satisfaction. The trust could hold a deposit against the cost of doing this work itself if the stallholder does not

The conservators have clear objectives. The proposals in the consultative document imply that the "Trust" will become a business.

The Trust must understand the knock on effect of what is proposed - do you really want to be bogged down with these sort of issues. Big and busy is not necessarily good. I do not want the Trust to become a Farmer. I do not want the Trust to become an Organisation concerned with profit.

The conservators duties are to keep the Malvern Hills and Commons unbuilt on as open spaces for the recreation and enjoyment of the public. To allow building, which excludes the public from certain areas is a total negation of their original aims. The proposals above would allow the building of food outlets such as Macdonalds, Costa, fish and chip shops for instance, all very well in the right place, but not on the Malvern Hills. Information and gift shops can be found in the town. All such outlets would require road access of which there is plenty already available, without ruining forever the nature of the Malvern Hills. Even mobile food stalls would be an eyesore especially with the litter that would inevitably follow them. The Trust should not have the power to make such decisions that could have far reaching consequences for Malvern and for such an extensive period as 10 years. There is no explanation as to why such an unusually extensive term of 10 years is required. The requirement to include the building of office and residential accommodation, renting out the surplus is 'over the top' and unnecessary. There are plenty of buildings in the surrounding areas of Colwall, Malvern Wells, Great Malvern, West Malvern and Malvern Link which have many suitable buildings for offices or houses. The proposals, if accepted, would allow large houses and blocks of offices to be built, even on the Malvern Hills.

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None of these are required for the trust to perform it's original duties.

Food stalls, temporary or not, would be unnecessary and unsightly, as well as increasing possibility of litter

It was very wrong that the cafe on the Worcester Beacon could not be rebuilt. So many people made it their aim towalk up there for a cooffee. Presumably this would allow provision for it to be rebuilt.

The objects of conservation and public enjoyment of the Malvern Hills are not being advanced by building housing for employees, when so much housing is readily available within the local area.

It is responsibility of livestock owners to provide suitable land/buildings for their livestock. This whole section leaves the way open for the Trust in the future to do what it wants without moderation! E.g. it is reasonable that the trust know what is happening on its and but to charge for licenses could lead to this being used as fundraisers in the future if the trust becomes short of money. Trying to think further ahead of the current Trust here & what might happen if the thoughts of the trust/trustees change.....

The Trust's land is common land, not for businesses, temporary food stalls or any other buildings.

It is noted that no mention is made of Easements so I have been left with no alternative to disagree with some of the questions above

This is just another money spinner for the trust and whilst I agree that money is needed, the trustees should not have too much power without being accountable to anyone with all of the above suggestions should again be subject to scrutiny by an independent body.

Ticks in right hand box here indicates unsureness, rather than no view.The Trust as a public body as well as a charity,should be subject to planning permission for all changes of land use.Is the power to issue licences not a local authority power and revenue stream? These suggested powers, if granted, would need to be subject to all usual local government checks and balances- not seen to be in the gift, effectively, of a very small body of persons,since this would be potentially open to financial abuse and cronyism. Leases should respect the established Malvern businesses that may be adversely affected by any new start-ups.They must be consulted.

The trust already has plenty of buildings and ancillary land for the amount of livestock being run on the hill. If the animals must be removed for a great many months they can be sold and some more bought in. The trust is not meant to be running a farming business merely grazing the hills for SSSI

I think any licence for a temporary food stall should be limited to 2 the duration of the event it is catering for.In most cases I would imagine that would be no more than 2 days. The number of stalls should also be limited.

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This includes some comments re Q5 I understand the logic behind proposing to have, as a last resort, the proposed powers to own and manage livestock and to buy/develop ancillary land and buildings. But the circumstances that constitute a last resort need to be clearly specified, and the ways they would be exercised need careful further consideration. I am concerned as to how in practice the MHT would run such a farming enterprise or use stock, land and buildings to support a third-party grazer; and feel there should be some clear safeguards to ensure there is a level playing field in areas where the MHT may compete/interact with local livestock farmers. Examples of possible impact could include • the risk of MHT disadvantaging other farmers by selling surplus stock below market price, because it does not require a profit. • the risk when competing with another farmer to buy land, MHT may be able to offer a higher than market price because it has funds available and does not need to make a commercial return on the land. While I am sure MHT would not intentionally act in such ways, I believe the MHT needs to spell out more transparently how it would operate such that it does not abuse its position relevant to other local livestock farmers. In particular it would be useful to set out what policies the MHT would propose to prevent this happening, what oversight would there be to police the policies, and what process would be followed to address and if necessary redress any dispute. Last, on a point of understanding, the MHT already owns some livestock, and in the past has managed grazing itself. It has also in the recent past purchased ancillary land, but I do not know how it decided the price it paid in such tenders. So I am not sure whether if it already has the powers it proposes, and if so what has guided their exercise. Regarding licenses, I have no problem with the granting/issuing, providing there is transparency to the public about the general policy for such grants, the rationale for the specific instances grants and the process that has been followed, subject to appropriate normal commercial confidentiality.

The powers sought are too wide. The Trust could become landlord to all sorts of shops and enterprises and wants to be able to close off access as a result. This is not acceptable. 10 year leases are too long, these should be limited to 5 years as the Trustees will change in that period and take a different view. Although overground licences are said to be rare the planning authority view is a necessary check and balance.

The officers of the trust is not capable of running a business. Business ventures should be left to people who know how to run them.

Paras 2&4 (above) Would agree if...'the commons', were amended to read 'the commons and Purpose Land (as defined in the Consultation Document.)

Whilst I can see that the growing number of events means that some form of licensing is a must, I do not like the implications that it will be possible to charge a fee and do not support them. An unintended consequence of this is that people/groups will be less likely to approach MHT prior to the event taking place and will simply turn up and do it. Yes they may be technically committing an offence but the legal definition of what constitutes an event and therefore a byelaw breach is not straightforward. I think social inclusion also has to have some relevance here. An ability to charge a fee by MHT will have a detrimental effect on this and it must be remembered that the aims and objectives clause refers to "the public". Put simply the hills are for everyone. The ability to charge a fee may also mean that future generations of trustees could potentially use events as a revenue opportunity which I do not believe is in the spirit of the Malvern Hills acts. Further to this where events are not to the liking of the officers of the time a charging mechanism could be used to effectively deter or price out a particular event. Currently MHT fields a small warden team that is often stretched to try and enforce byelaw such as unauthorized parking on a day to day basis and given its prevalence it is an assumed low priority. However when particular events are taking place we often see the wardens + conservation team + CEO putting on yellow waist coats and all of a sudden unauthorized parking on the hills and commons takes on an almost fanatical importance. – If the true cost of this exercise was taken into account what would a realistic fee have to be? The following day with no events taking place things return to normal with a limited warden presence and cars are allowed to park anywhere they like often in far more inconvenient and environmentally sensitive locations.

Licences should not be required for organisations using the Hills for Charity Events similar to those currently allowed.

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The Trust already buys ancillary "in-bye" land for livestock purposes, so why does it need more? Should the Trust become landlords? More information is needed therefore I am forced to disagree.

There should be a requirement that any ancillary land buildings should be extremely environmentally sensitive. With respect to When planning permission is not required, the Trust should not be required to obtain the opinion of the local planning authority when granting overground licences for services' - when the requirement to consult the local planning authority is removed, why not insert a section whereby there is a requirement to consult the AONB, as mentioned in your commentary? 'The Trust should have a power to issue licences to people or organisations who wish to carry out activities or run businesses from Trust land' - I disagree, this is too generic. It would effectively give the Trustees carte blanche to charge an individual out on a dog walk or a horse rider out for a hack. This would need to be much more specific. 'The Trust should have a power to grant licences for temporary food stalls in association with events for a period of no more than 7 days' - 7 days is far too long for any temporary food stalls to be on the Hills and it would mark a presumption in favour of large organised events - this is not how I think the Hills should be used in the future.

I strongly disagree to temporary food stands and shops, the appeal of the Malvern AONB is it's natural beauty, peacefulness and open landscape, there are plenty of local shops and pubs to provide this service which will not ruin the look and feel of the commons and hills. Pop up shops will make the area like Disney Land and encourage those to come here who are not visiting the area for it's natural beauty and peace and quiet. For example the recent car race held on Castlemorton Common where over 120 cars were allowed to race at speeds at over 100 MPH polluting the area with noise and terrible fumes, those who came to watch were not interested in what attracts most people to this beautiful area,

I have concerns about the possible implementation of the proposed power to "issue licences to people or organisations who wish to carry out activities or run businesses on Trust land". If it is included, the clear requirement should be added that charges for licences must be reasonable, appropriate and expressly not be set at a level, intended or unintended, that effectively act as a barrier to the viability of the proposed activities. For example, the costs of insurance requirements or as mentioned administration time can act as a serious barrier to events or services.

b) and d) where 'commons' or 'common land' is mentioned, this should be amended to read 'commons and Purpose Land'

No comment.

Power to issue licences. I disagree with this power as it could be misused. How do the trust plan to police this?

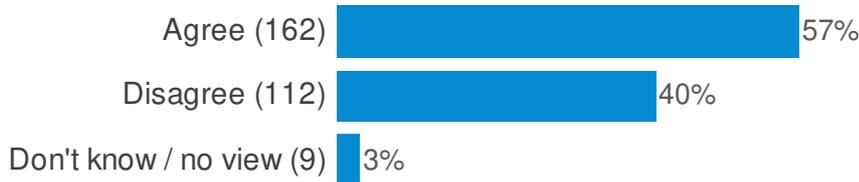
This is a great deal of surplus power being requested. Most of these would have a significant effect on the hill

Would this area have a bearing on the use of the British Camp Reservoir for use by an agency for recreational purposes ( I know it is officially Severn Trent) but it would seem an ideal area for supervised kayaking, stand up paddleboarding or open water swimming if an agency was willing to manage it.

I am concerned without having much greater knowledge of the scale of your ambition and plans for developing buildings etc. Three Counties Showground have started a campaign for much greater development of their facilities, and the results are restricted access, increased prices for events and participants as well as even more requests for new buildings - i.e. a continuing commercialisation . If you are restricting yourselves to modest buildings which are necessary for management of the commons and other land, then yes. Limited and sensitive outlets for refreshments could also be a benefit. Buildings for the sale of goods - why not use those which are empty and unused in Malvern (the recently vacated TIB for example). Many of your proposals all appear to be written in very generic terms "carry out activities or run businesses from Trust land" to which you want an "Agree" or "Disagree" and on that basis I would have to "Disagree" as it is far too open (especially when read in conjunction with your desire to reduce your Trustees numbers so drastically)

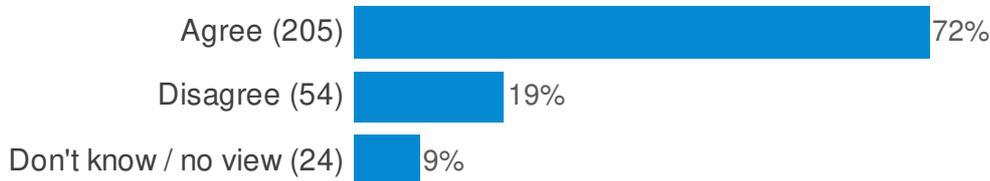
**Land management – other - Page 59**

**(Rather than having to inform individuals, the Trust should be able to rely on the web, social media and their newsletter to notify the public about the exercise of temporary fencing powers)**



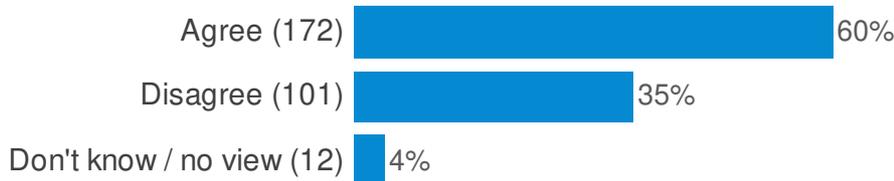
**Land management – other - Page 59**

**(As owners of a public open space, the Trust should have the same liability towards members of the public as landowners whose land is open under the Countryside and Rights of Way Act 2000)**



**Land management – other - Page 59**

**(The Trust should have a power to issue fixed penalty notices as a way of enforcing byelaws without having to take people to court)**



**Land management – other - Page 59**

**(The Trust should be able to remove abandoned vehicles from its land)**



**Please use the box below if you wish to comment further on our proposals relating to third party liability, consultation and notices relating to temporary fencing, byelaws and their enforcement (Please use the box below if you wish to comment further o...)**

Stronger powers to control dogs

The introduction of CROW act is the only really useful bit of legislation. Then Gullet quarry can be monitored as is the rest of the Hills. Also allow folk to climb, bike, parapent etc.

Could byelaw notice boards be more widespread?

Let's be careful with the Fixed Penalty Notices. Is this necessary in relation to each and every bye-law? Really? I fully understand that it is desirable in some respects, but I wonder if this is too much of a land grab in terms of additional powers. Further consultation is necessary - which are the particular bye-laws of concern and which really need enforcing? Personally I am not comfortable with expanding the rights of the Trust to demand money from random passers-by except where there is a very good reason to do so. This needs to be very carefully controlled and I am not convinced that a blanket expansion of powers is appropriate. (Actually I am staggered that MHT officers have powers of arrest anyway - maybe I am too liberal).

Fixed penalty notices: These powers should also be vested in police officers and PCSOs and should be extendable (subject to proper training) to unpaid volunteer wardens. The duty of the Board of Conservators to enforce byelaws using these and other measures should be explicit.

Although I agree with these measure I think that many of them will be hard to enforce. Fix penalties, really!, the trust can remove abandoned vehicles, I don't see any vehicles from the castlemorton rave rusting on the common.

The MHC website is a disgrace. It is unprofessional and often it is impossible to find information. These proposals put the onus on the general public. It also needs to work out whether it wants to be a charity or a public body. Issuing fixed penalty notices is totally inappropriate for a charity.

The Trust should continue to notify individuals of their temporary fencing powers. Not everyone has a computer or is familiar with social media.

Social media etc. at the moment is not sufficient means of communication.

Dont forget that the land from Chase End to Gardiners Quarry is covenanted to the National Trust

I have led here since 2016 and as such make the following observations. 1. Dogs. These are a big issue if you are new to the hills and not a dog owner. They often harass, discomfort and can endanger, walkers, joggers, and small children even with owners present. Dog walkers should be accountable for their animals particularly where there are several under the care of one person, or the animal is on long or extendable lead. Visitors and new residents may not have the same understanding as long-time hill users! 2. Bikes. Great that they know have their own designated tracks. Many people will come to love the hills through this opportunity. However, other tracks are not designed for bikes and neither should they feel free to ride across the open hillside or terraces such as the area above the Rose Gardens. Cyclists should be accountable for damage done to the land and also to the safety of other hill-users. In any case steam gives way to sail so they should in any case not have priority over those on foot.

I am not sure which people would be counted as individuals but for instance, the folk who were badly affected personally by the Rally that took place on Castlemorton should certainly have been given proper information individually. The phrase 'the web, social media and their newsletter' only applies to folk who are in possession and know how to use the internet. This is not true of all people, especially all the elderly!

Penalty notices are open to abuse and damages the relationship between people and the trust

In relation to the second point, I wonder whether the current requirement to treat visitors as "if they were Trespassers" is intended to cover the extra risk arising from old disused quarries ?

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The issue of fixed penalty notices unless in very limited circumstances and very closely regulated and monitored will potentially lay MHT open to challenge and having to take (or more often) defend court proceedings over which it has less control. This will be expensive as will a review procedure. The consultation document gives no real idea as to how much of a problem this is, surely a target amendment of certain powers in respect of certain bye laws would be more proportionate and less risky. The cost of this proposal is likely to outlay the revenue from fixed penalty notices.

The power to issue fixed penalty notices could be contracted out to private companies that are incentivised to issue such notices in order to make their activities profitable.

Fixed penalty notices are the start of a slippery slope and further drive a wedge between local people and the Trust.

Trust should realise that many of the OLDER GENERATION HAVE GREAT PROBLEMS WITH THE SPEED AT WHICH EVERYTHING IS BEING CHANGED and therefore THEY SHOULD STILL COMMUNICATE IN A WRITTEN FORM. Reception on MOBILE PHONES if they have one is still very difficult in many areas.

The older generation may not have access to a computer and many others are unable to use social media, so written letters continue to be required, unless a whole section of society is to be disadvantaged.

It not appropriate that an organisation with no local representation on their board should be able to issue fixed penalty notices. There is no evidence or statistics provided to give any justification whatsoever.

The trust DOES NOT OWN THE LAND THEY ARE THERE TO MANAGE IT

Although the snippets you put in the paper do create a good and regular connection to people. Anything you can do to limit the dog poo out on the hills would be gratefully appreciated!

There has been no attempt to provide a quantified assessment of the need for fixed penalty notices.

Fixed penalty notices are just not necessary and no matter how reasonable the Trust are about their implementation in years to come they could be enforced in a draconian manor and completely change the experience of local and other visitors.

Fixed penalties would erode the feeling of freedom and well-being associated with open-air activities. In any case £75 minimum is completely inappropriate. Names and addresses are a sufficient deterrent, with court summonses a threatened possibility.

A notice in situ should be required for temporary fencing powers.

Every effort needs to be used to make sure people are informed who may not have the use of the web or social media.

The trust has powers now to prosecute. They don't use them. On the spot fines could be abused by an unfair warden.

How are you going to enforce fixed penalty notices? We regularly see cyclists not staying on the allocated bridleways and dog faeces are still a problem.

There are no arguable grounds for treating the Trust differently from any other CROW landowner with regard to liability to the public.

Not everyone is familiar with social media, so it would be unfair those who are unable to use it.

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The reliance on social media is too restrictive. Older residents (and the Malvern area has many) may not have access to, or may choose not to use, the internet and smart phones. Notices should continue to be placed in the local newspaper and where proposed temporary fencing could affect an individual, they should be contacted personally as they would be if it were a Planning Application. The Byelaws make it illegal to park on the common. Many visitors to the area pull off the road onto the common to have a picnic or to play with their children. In the summer, I see this happening every day. On 14 September I counted 13 cars parked on the common in the one mile between Gloucester Road and The Gullet. The Trust currently use their discretion and keep in mind that visitors may not be aware of the byelaws, or they are doing no harm, and that they are using the common for what it was intended - a space for recreation and enjoyment of the public. On Castlemorton Common, there is one Trust car park (Swinyard) with about 35 spaces, no car park on Hollybed Common and no car park on Golden Valley - a very popular spot with lake. There are no other public car parks on Castlemorton and Hollybed Commons, so where are visitors supposed to park? As the Trust, quite rightly, does not wish to spoil the natural aspect of the commons with signage, it is almost impossible for visitors to know that they cannot park on the grass. On public roads, clear and frequent signage is required before a parking ticket can be issued. The power sought would enable the Trust to fine every motorist who parks on the common - a draconian power open to abuse. Once the power is there, it can be used. No promises or assurances that 'we wouldn't use it to do that' from the present management are sufficient because they carry no legal weight and any new management in the future would not be bound by them. There is abusive driving on the common. A few people park on the common right next to Swinyard car park, even when it has plenty of plenty of spaces, probably to avoid the charge of £4. Some people in motor homes camp overnight on the common. These sort of people should be fined and I support the ability to do so. However, that is no reason to have the power to fine the ordinary sociable visitor who wishes to park off the road to play with their children and go for a walk. In addition, there needs to be provision for those visitors who come with horse transporters in order to ride on the common. These vehicles are too large to use Swinyard car park. The situation at Golden Valley is confusing and may mislead motorists as to what rules apply elsewhere on the common. A gravelled track for vehicles to use, maintained by the Trust, takes you across the common to a large flat area near the lake, with an informative notice board and map. There is no designated car park. As you leave the road to go onto the track, you pass a byelaws sign, confirming that you cannot park. There are four signs on the common warning 'No vehicles beyond this point', at 35 metres, 60 metres, 90 metres and 135 metres from the road or track. Clearly the intention of the Trust is that they are happy for people to park within quite a large area, even though it is common. This needs better signage to indicate that vehicles may park within a designated area. There are other areas which should be treated similarly. For example, the hardstanding on the edge of the common on the way into Welland. I propose that the power to impose on the spot fine should be limited to: anyone parked on an access track anyone parked on the common more than 10 metres from a road anyone parked on the common for more for more than 4 hours anyone parked on the common within 150 metres of a Malvern Hills Trust or public car park and should require one written warning notice to have been issued previously - so that there is no doubt that the offender was aware they were parking illegally.

Not everyone has access to the internet and/or is happy to use social media, particularly the older generation or people with disabilities. Some individuals and organisations will still need to be informed individually.

It should be made possible for those interested to subscribe for e-mail notification of temporary fencing etc, rather than having to regularly check notices on Web sites. On fixed penalty notices, is the wording sufficiently precise regarding posting - should there be a mention of certificate of posting or the like to avoid the "I sent it in time, it must be lost in the post" excuse?

Fixed penalty notices will require notices at access points to ensure visitors are aware of the by-laws if not universally used

Not all council tax payers can use the internet.

Penalty notices would be very difficult to enforce, and staff could in some circumstances be endangered.

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Becoming subject to the CROW act is a huge step forward

The consultation document doesn't really make clear what difference there is between the existing liabilities and those that would exist under the CROW act. Fixed penalty notices go against the innocent unless proven guilty principle of law and shouldn't exist anywhere. They should definitely not be handed out by a charity.

The fixed penalty notice, this is a hand grenade of an issue when you consider the animosity expressed towards some hill users eg dog poo and mountain bikers. I am also concerned about how this would be managed - incentivised companies collecting fines? I pity the poor mountain biker who strays onto a footpath that looks little different to the adjacent bridleway. This issue will cause a lot of ill-feeling. Yes, deal with persistent offenders but I do not like where this proposal has the potential to end up.

A power to issue penalty notices should be subject to review

Not everyone is able to access social media.

Fixed penalty notices might work, but enforcement could be difficult

Again, under 2 b. on page 61 you refer to using stiles as a means of entry. Stiles should never be installed as to do so restricts access to only the physically fit and so is contrary to the Equality Act.

Our understanding is that the Trust cannot legally 'regulate or prohibit access' along a public right of way in any circumstances without obtaining the approval of the relevant Highway Authority. Moreover we do not believe that the Trust can erect temporary fencing across a right of way, even with appropriate access, without approval from the relevant Highway Authority. We recommend that the Trust check with the Highway Authority the legal situation in respect of public rights of way.

If the CROW says exactly what you say, there is no need for you to perpetuate the wrong. "A visitor to an occupier" in this day and age could include an (e.g.) Amazon delivery, or a postman, or a visitor to a meeting - so while I agree with your objective, I disagree with your detail. Who can decide a vehicle has been "abandoned" , or whether it has just been left in a car park during a holiday.

Communication is vital to enable the MHT to work well with the public, so notices on the land in question should also be added. Re fixed penalty notices - on the face of it this sounds a good idea, but it would be very difficult, if not dangerous, for wardens and volunteers to enforce.

I would also include vehicles parked without the Trust's permission to be included in the power to remove vehicles

It is not considered that sufficient evidence is provided to justify the power to issue fixed penalty notices, which could be over-zealously issued (eg to cyclists having unknowingly strayed from public bridleways or other permissive routes.)

The Trust should have powers to deal with travellers who may decide to try and occupy their land.

Yes and come into line with the CROW Act generally. Dogs on a lead, during bird nesting season and wherever livestock is present all year. This would also enable wild swimming at Gullet Quarry, without the trust being responsible for injury. This would benefit local residents and visitors... the lack of wild swimming at Gullet is a great loss to so many people.

Perhaps not tell individuals but definitely Post Notices and advertise in the local press with a objection process.

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Individuals should be informed personally about things that directly concern them, if they live adjacent to areas affected. Not everyone has access to social media or reads a newspaper each week. It is useful for the rest of us to be able to look at the Malvern Gazette or Facebook to find areas which are being fenced. Issuing fixed penalty notices is going to cause difficulties for your staff. 2a on page 61. The Gullet Quarry has been fenced off preventing access to this important geological site. Surely the public are liable if they enter an area where there is thorough warning of the dangers? The big problem for researchers wishing to find out more about the geology is that universities were not informed of the necessity to obtain the key and provide public liability insurance before visiting with their students. A letter should have been sent to universities and geological groups to tell them that they need to apply for permission to borrow the key. I know that some universities which were regular visitors have been put off using what was a popular educational resource because of the difficulties imposed. Point 5b on page 61 should include features of geological interest as well as historic, traditional and archaeological interest.

This would give the trust opportunity to just go and get a load of money whenever they want from residents just parking outside their gates etc. Too much power. Unnecessary!

14b no liability. Walkers must exercise their own personal responsibility and common sense. To alter the landscape to make it idiotproof would be of great detriment to the area of outstanding beauty

Use the web by all means, but proof of postage is not proof of receipt.

Q14 point 3 - How to enforce that?

Not every member of the public has the leisure time to regularly read the Trust's website for information nor use social media

Fixed penalty to high

I very strongly disagree with the wardens being given the responsibility of issuing fixed penalty notices. There is a vast difference between sticking a notice onto an inanimate vehicle and handing one to a person. That would totally alter the public perception of the role of the warden, from one who is always approachable, informative and helpful, to someone who is on the look-out for miscreants to whom they can issue notices. There is also the safety aspect in that wardens generally work alone and verbal abuse is not unknown when they inform someone that they are breaking a byelaw; these incidents could well escalate into something much more serious if a fixed penalty notice were being issued.

Strongly disagree with Q14 point 1. Even in this day and age not everyone has access to social media.

With regards to public liability, although I am not sure that this is the appropriate place to raise this matter there is a growing concern about off road cycling on the hills. Might there be consideration to granting permits to those who wish to use the hills for this purpose similar to fishing permits for a reasonable fee. This would provide a revenue stream and would enable the trust to ensure that cyclists were made aware of their duty towards others on the hills. Permits could be made available at car parks or directly from the trust.

**Please use the box below if you wish to comment further on our proposals relating to third party liability, consultation and notices relating to temporary fencing, byelaws and their enforcement (Please use the box below if you wish to comment further o...)**

Individuals who would be adversely affected should still be informed in writing. Just saying 'oh it's on our facebook page' is quite a cop out, and exhibits a level of contempt. Don't go there. Section 21 talks about abandoned vehicles. Currently no provision to remove vehicles that have a "value". I am unsure as to how you reached this conclusion, every vehicle has a value, whether as scrap, spare parts or a value to the owner. Current provisions within the acts allow this. It is, like so much legislation, subject to interpretation. Should a vehicle remain unclaimed, its value can be ascertained by a public auction. A snotter would have no value, but what if someone abandons a nice new Rolls Royce? The acts do not prohibit the removal of the rolls royce, if conditions are met. Put a sticker on the car, removal after 7 days, and make attempts to trace the owner. If 28 days after informing, the owner hasn't come forward then dispose via public auction, after following correct protocol. What constitutes an 'abandoned' vehicle anyway in law, one that is not taxed, insured or with a valid MOT? One that remains static for a certain period of time? These are all clarified elsewhere in legislation. Just because it is not clearly defined within the malvern hills acts does not mean it remains fully unclarified. Clarification is here <https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities> and the conservators would have no issues in adhering to these requirements in law. Just because the acts don't say something, doesn't mean it can't be done.

What is meant by "abandoned vehicles"? Would this include a vehicle left parked overnight?

This seems to suggest that a vehicle left overnight on common land could be described as an abandoned vehicle.

All very sensible provisions

I am concerned about some of the proposed clauses in you new Acts. eg taken from your summary section: • - . Contain new powers to give greater flexibility, more fundraising options and enable more effective land management • Having a power to secure the grazed commons in order to make grazing viable in 21st century • An explicit discretion to enable MHT to make a charge for events held on MHT land together with a power to allow temporary refreshment facilities associated with those events • A power to remove all types of vehicles abandoned on our land I am a horse rider and am concerned fencing and cattle grids will be installed without public consultation. These have been out voted in the past but we may not get a chance to vote on this in the future. The Hills are wonderful but restricted access making the public go through gates will change the nature of the place. It will make the ground near the gates very muddy & deep with hoof prints which will be unsightly and dangerous to ride, bike and walk over. Please add to the clauses that the public will be consulted on these matters before anything happens.

Not everyone has access to a computer or is familiar with social media, so the Trust should still notify the public about the exercise of temporary fencing powers. The Trust should not be allowed to issue fixed penalty notices; this will hardly enhance the Trust's relationship with the Public. It also has the effect of making trespass a criminal offence-it has always been a civil offence and therefore this is not the right vehicle under which to change that attitude.

Informing individuals - some people do not have internet access currently & think newspaper & parish magazine notices also needed.

Question 2 above of Q 14. I agree. The Conservators/Trustees as a Public Body should have full Public Liability Indemnity Insurance in place, certainly up to a value of £20,000,000 with a Nationally recognised Insurance Company. The NFU Mutual Insurance would be suitable.

Better to inform by individual letter as well as notices in newspapers, on the web and social media. If people feel not-informed, initially, it may prove more costly long term, to prove the Board's accountability. Use all means of communication please to prevent unintended consequences!

The Trusts website can be so designed to enable its newsletter to be electronically sent to those who specifically request it. The newsletter should include a summary of changes. If the Trust wishes to use electronic means these should not diminish notifications but enhance them. Penalty Notices are just a traffic warden charter and contrary to public access.

Many people in the Malverns are old and do not use the internet

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An unintended consequence of adopting a fixed penalty notice scheme would be the landscape implications of the inevitable signage that would be necessary to make a scheme legally viable. Landscape conservation is specifically included in the primary objectives statement of the charity and proliferation of signs around the hills was something we were very mindful of even 20 years ago. There is also the cost and time implications of keeping such signs in good condition and of such a type that they are relevant for people to whom English may not be their primary language. I would therefore like to see this power introduced with strict caveats as to what it may be used for so that it does not proliferate in the future and allow the hills to take on a more urban landscape character. Serious offences such as livestock worrying are police matters anyway.

I'm not sure where this comment best fits in the questionnaire but it is a great pity that there still seems to be a prohibition on rebuilding the cafe at the peak of the Worcestershire Beacon. This was a much loved facility with almost zero impact on the scenic quality of the Hills. I never heard anyone making complaints about its location.

Item 1) Not everyone has the time or ability to access social media /internet Item 3) Again not enough information and how can we be sure this won't be a fundraising "power"? Parking tickets are now issued as a means of getting money

Many locals do not use the web or social media, and do not receive a newsletter - I am not sure from the commentary if the requirement to post information in the local paper is still to be kept, but I think it should be to ensure widest awareness, particularly amongst older people. With respect to 'The Trust should have a power to issue fixed penalty notices as a way of enforcing byelaws without having to take people to court' there is a concern that the Trust could become too officious. I understand the Trust needs to have some way of penalising repeat offenders though.

There is still a role for posted notices, you should not expect users to have to search the web for something so mundane. The advantage conferred by lack of liability is an advantage that enables the trust to be more progressive and less risk averse than many other landowners with public access. It should not be just given away.

c) Possible danger to Trust's officer & open to dispute

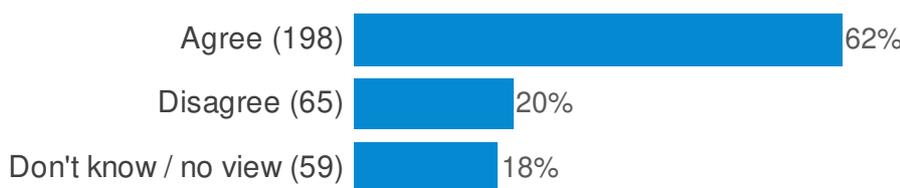
The local newspaper should also be considered as a means of communicating to the public.

With regard to 'informing individuals via social media' I am in agreement but only with the proviso that the information should also feature as a press item in local media.

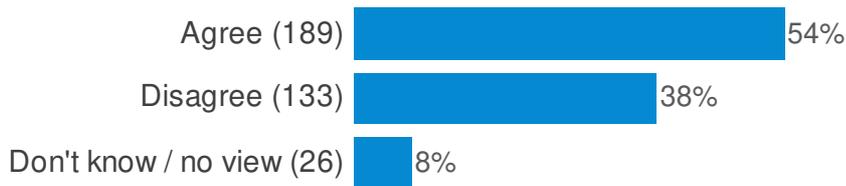
Q14, It would be good to see the Trust use the web, social media and their newsletter (? I don't think I have ever seen one of these) to a greater extent, but individuals still need to be informed.

And to recover the costs from anyone identified as being responsible for dumping waste, fly tipping as well as abandoned vehicles

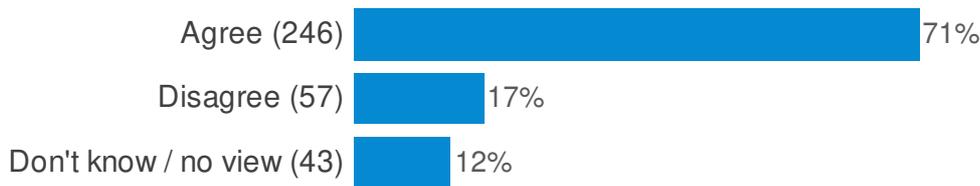
**Third Party Rights - Page 67 (The Trust should no longer have a power to enforce commoners' rights over land which is not under its jurisdiction)**



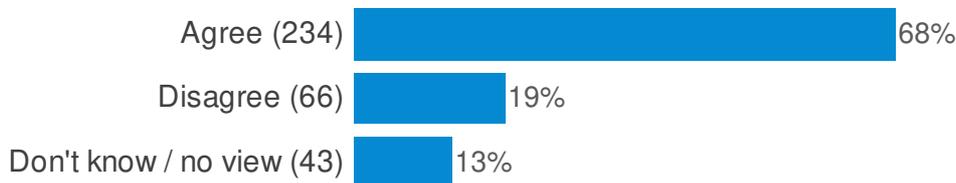
**Miscellaneous - Page 77**  
**( The Trust should change its name in the Acts to Malvern Hills Trust)**



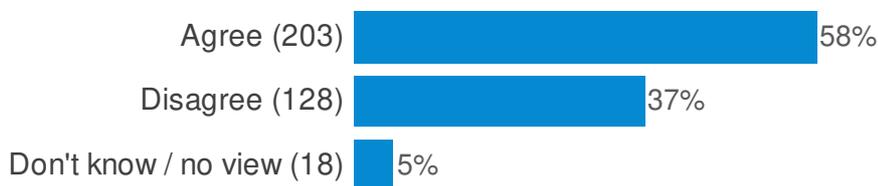
**Miscellaneous - Page 77**  
**(The references in the Acts to Great Malvern Abbey should be changed to Great Malvern Priory)**



**Miscellaneous - Page 77**  
**(Definitions: Words which are defined in other legislation should be defined by reference to that legislation)**

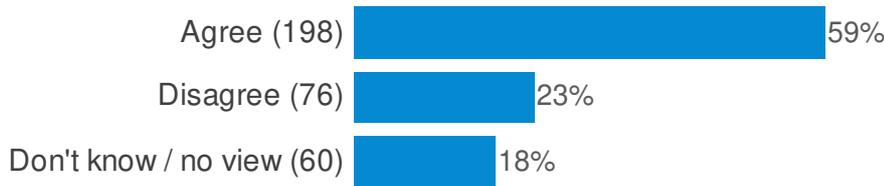


**Miscellaneous - Page 77**  
**(In the future, the Trust should be able to make limited changes to its governing documents with the sanction of the Charity Commission through a simplified procedure)**



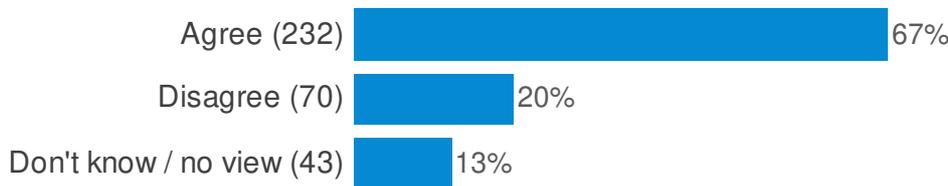
**Miscellaneous - Page 77**

**(Any proposals to make changes as set out on page 85 (a) – (g) should be excluded from that simplified procedure)**



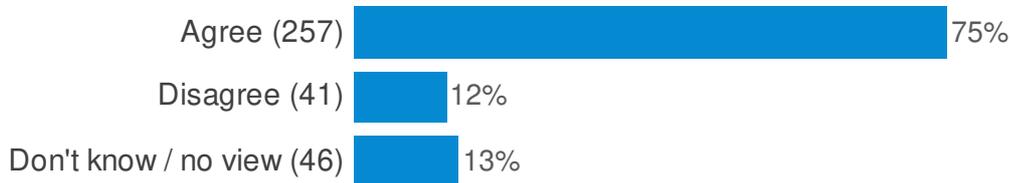
**Miscellaneous - Page 77**

**(The power allowing the Trust to create facilities on the Malvern Hills for horse riding and to charge for their use should be repealed)**



**Miscellaneous - Page 77**

**(The levy paying wards and parishes should be exempt from paying any special levy (Page 38))**



**In s9 1909 Act, in the event that the County Council wishes to raise a special levy, it has to seek the consent of Malvern Urban District Council. Who should now give consent? (Page 38)**



## Malvern Hills Trust consultation

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By 'Malvern District Council', I assume you mean 'Malvern Hills District Council'.

Nothing wrong with the Name Malvern Hills Conservators. Trust could be a bank a relative or many other callings. We are NOT a National Trust!!!

Change of name: It is only a name, however, the process by which the "operational" name of the Malvern Hills Conservators was changed - at considerable expense - with no public consultation, makes this token consultation a fait accompli and leaves a very bad taste in the mouth. The arguments used are spurious - the Word "Trust" in respect of an organisation is widely used in the commercial finance sector, the National Trust is now mostly associated by the public with the leisure industry, rather than as a conservation charity, and the County Wildlife Trust network (where there is any awareness of it) is widely misunderstood. The confusions between Malvern Hills Conservators, Malvern Hills District Council, and even Malvern Town Council will remain. The word "Conservation" has a higher profile currently than ever before - and "Conservators" gives a clear focus to the organisation and its board members. Given the, in my opinion, underhand, way the operational name has pre-empted this consultation, the Board should legally continue to be known as Conservators - a strong reminder of why they exist.

Malvern District Council is too "distant" from the Trust. The Town/Parish councils are clearly more appropriate "close" organisations.

I re-iterate although there might be some benefit in clarifying aspects of the acts the proposal goes too far and seeks to fundamentally change the nature of the organisation. In a charity with wider ranging scope and powers, albeit supported by levy payers. With Board members who have to act in the interest of the charity rather than the levy payers. The last act cost vast amounts. A new act is not needed.

I disagreed with the name change and still do as it no longer reflects the aim of the original acts to put conservation as the priority. The name trust just confuses those who think it is a charity and part of the National trust. It allows those who wish to turn it into a business to erode the original principles of the act

I've overheard some people thinking the levy entitles them to a say in the management of the hills. Could it be made clearer what the levy is and isn't for, and whether payment of it brings rights?

As a younger respondent I think it is important that the Trust modernises and starts to include younger people in its work and in the way it operates and communicates. Too much of the Trust's approach starts from a negative standpoint. There will always be limitations but let's be positive about enabling and encouraging people to use the hills and commons sensibly.

The change of name from Malvern Hills Conservators to Malvern Hills Trust is unacceptable as it loses sight of the organisation's role as a public body. As such it should be held accountable to the precept payers.

Totally disapprove of changing to TRUST away from CONSERVATORS which is what they are about. To say it gets mixed with conservatives or conservatory is an INSULT to the people of Malvern.

Q 18 Should read Malvern Hills District council I put in areas set aside for horse riding on Castlemorton common and Old Hills

The name Conservators describes precisely what the thousands of precept-paying residents expect the Board members to put as their first priority.

I believe the idea to request the County Council to raise a special levy is both equitable and sensible (excluding those who currently pay the precept) - though you may wish to add some incentive to those ratepayers affected (possibly along the lines of those received by precept payers but perhaps adjusted to reflect the level of contribution from the County Council). Similarly you may consider similar arrangements if you go down the Parish Council route.

## Malvern Hills Trust consultation

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Part of the problem with MHT's starting point of this consultation is that they seek to leave behind the crucial concept of the conservator. The charity remains registered as the Malvern hills conservators at the charities commission and not MHT. Neither this nor the description in the Malvern hills acts should change

The Charities Commission is easy for local people to deal with and has a poor record of controlling the activities of Charities, eg fund raising from vulnerable people and on the street and the behaviour of charities staff when working with vulnerable people in the UK and in other countries.

All of these proposals are further evidence that the Trust wishes to be completely insulated from local sanction. The Trust would be able to lobby and agree changes to their scheme, and therefore the objects, without any local consultation. For local people the only means of influence would be through the Charities Commission a remote and bureaucratic organisation with limited ability (or interest) to interact with local people.

No further comment

The proposed change of name to MALVERN HILLS TRUST undermines the organisations role as a PUBLIC BODY and to be ACCOUNTABLE TO ITS PRECEPT PAYERS, FUNDS WHICH THEY STILL EXPECT TO RECEIVE.

The proposed change of name from Malvern Hills Conservators to Malvern Hills Trust is unacceptable, as it undermines the organisation's role as a Public body.

As a sizeable trust you have the opportunity to help manage those small commons where management is difficult. You should retain a presence in order to further the conservation value of the landscape around the Malverns as well as the Malverns themselves

The public accountability, visibility and participation in these changes is of concern. In particular the expansion of powers, widening of MHT functions and activities, diminution of representation and the limitations sought on public access to meetings.

Not only is the Trust asking for very significant powers under this scheme they wish to make changes in the future without any consultation. This aspect sums up the whole approach in that the Trust wishes to operate in exactly the manner it decides without the inconvenience of any local or other influence.

I have seen some stupid arguments for a name change in my life but nothing beats these silly proposals Using the argument in the Consultation documents those people who guard the Tower of London should not be allowed to call themselves Beefeaters in case that is misinterpreted. The word "Trust" is also one that has connotations, particularly associated with Russian oligarchs and dishonest politicians, money laundering and tax evasion.

The name 'Malvern Hills Conservators' should be retained as it clearly states the original purpose of the organisation. A change of name would facilitate changing the purposes of the organisation.

I object to the change of name. Malvern Hills Conservators embodies what the charity should be all about - conserving the Hills and Commons should be the absolute priority.

"In the future, the Trust should be able to make limited changes to its governing documents with the sanction of the Charity Commission through a simplified procedure" is too vague. "The power allowing the Trust to create facilities on the Malvern Hills for horse riding" should remain and "to charge for their use" should be repealed.

The proposals appear to have lost sight of the original purpose of the organisation as conservationists.

There needs to be representation across all wards.

It is not fair that levy payers get almost free parking when people in castlemorton near the common are expected to pay. This is why people park on the grass verges.

Presume by Malvern District Council you mean Malvern Hills District Council

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Q17.1 NO: MHT is not the correct name for a Public Body, which should have accountable Board Members/Conservators rather than 'Trustees', which is a term associated purely with Charities. Q17.7 is not the appropriate question here. If the MHT is now to be regarded solely as a Charity, what justification can there be for any Levy/Precept extorted from Council Tax payers? Some might prefer to choose their own charity e.g Malvern Special Families/Foodbank

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I am very disturbed by the level of tree clearance on the hills at a time when we need to preserve trees. I understand that tree clearing is being done to meet the requirements of a grant to get return soil to a previous state. However, in our present climate change predicament maintaining and planting new trees need to be an urgent priority. Anything other than this shows a lack of stewardship and responsibility towards future generations.

As there's no box on Q16: if the Trust retains the power to enforce rights over Coombegreen, mightn't this be useful in solving the overall problem of Castlemorton Commons? Of the 'don't know' above, I'm confused about nomenclature: are provisions the same as proposals, or proposals the same as objects? Without knowing this, I can't distinguish between what being referred to.

The reasons given for the change are silly. Who gets it mixed with Conservatories. And Trust is a dodgy word - just about every rogue under the sun sets up a Trust to squirrel away their ill-gotten gains be it tax evasion or people smuggling. Get real. Using the Consultation document argument about confusion, we need to stop the people who guard the Tower of London being beefeaters because it might upset the odd vegan

While streamlining so that the charity commission alone has the arbitrary power of changes is attractive it should not be the final decision maker, the charity commission is not local and does not understand local feelings/views on the matter, it is concerned with the law of the UK not with local decisions. while the Charity commission has a place within the structure it should be as an advisor only on those areas it is qualified so to do i.e. the law relating to charities and best practice but not local decisions.

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Clause 31 of the 1884 Act is entitled 'provision for adding other common or waste lands.' Its purpose is clear. It covers the situation that the Trust might acquire other common land, for which it would need funds to look after and whose residents should participate in the election of trustees. This requires the agreement of the Lord of the Manor and the Land Commissioners. The Land Commissioners are now defunct. This power, enables the Trust to extend its precept to those parishes in which it has subsequent bought common land (now early ¼ of its total land ownership) – including Castlemorton and Welland. It also gives the Trust the power to apply to the Land Commissioners to allow a the vestry of a parish in which new common land has become subject to the Act, to appoint or share in the appointment of one or more Conservators (trustees). The Land Commissioners no longer exist and the vestry has been replaced by the ratepayers of the Parish (1884 Act Section 2). The existing Act therefore empowers the Trust allow the ratepayers of parishes such as Castlemorton to appoint or share in the appointment of one or more trustees. This is not limited to elected trustees. I do not believe that this power was negated by the 1924 Act. Had the authors of that Act wished to do so, they could have repealed this section. Additional common land had not be purchased by 1924, so there was no reason to do so. The Trust should be seeking all legitimate means to increase its income in order to carry out its objectives and extending the levy is one way to do this. DCMS have made it clear that a Charity Commission Scheme is not a suitable mechanism for changing the levying arrangements. However, this is not a change to the levying arrangement, it is merely the retention of the existing arrangements. This section should be maintained, but amended to omit a reference to the Land Commissioners. The Trust badly needs additional income (hence the desire to establish a trading company) and it should invoke this section to raise a levy from Castlemorton, Welland and other qualifying parishes; and allow them to participate in the election of trustees. The right to invoke does not lapse simply because it has not so far been used. To omit this section would constitute making a change in the levying mechanism, which the Trust says the DCMS will not permit. As the Trust wish to increase its income through a trading subsidiary, it would be appropriate for them to us the powers they already have first, to increase their income using this Section.

Why is the word 'Precept' not used? Q17.1 NO: MHT is not the correct name for a Public Body, which should have accountable Board Members/Conservators rather than 'Trustees'(a term associated purely with Charities). Q17.7 is not the appropriate question here. If the MHT is now to be regarded solely as a Charity, what justification can there be for any Levy/Precept extorted from Council Tax payers? They want our money without any responsibility or accountability.

Given that Castlemorton has the largest area of the MHT land without paying a levy, should this be reconsidered by local residents?

Q17 point 2 "The references in the Acts to Great Malvern Abbey..." - Better to deal with this by a footnote in the Acts to say GM Abbey now called GM Priory. Q17 point 5 "Any proposals to make changes as set out on page 85..." - Don't want a simplified procedure at all. Q18 - Don't know.

The present name of the Malvern Hills Conservators should be retained in legislation - it clearly states the purpose of the body. That should not prevent the Conservators using the shorter working name Malvern Hills Trust on it's vans and promotional material. Miscellaneous points. 1) As the Trust is a public body funded by taxation, parliament may require that there be a majority of elected Trustees on the Board. 2) In the present Risk Register the Trust talks about complying with the principles of the Freedom of Information Act. Now as a small Trust the charity is not presently forced to do so, but it is suggested that in the scheme there are the words that "the charity will at all times act as if it were subject to the Freedom of Information Act". 3) Timeliness of minutes could be improved. It is suggested that somewhere in the document the words are inserted. "The draft minutes of meetings shall be made available (on the website) within four weeks of any meeting". 4) The Trust were hoping to push the Charity Commission scheme legislation through parliament 'on the nod', but the Trust are asking for many open ended new powers which could be abused without safeguards. The Trust should therefore carefully consider whether parliament should now be asked to scrutinize the proposed legislation.

Any changes should be discussed at a meeting with public consultation in the interests of transparency and democracy

## Malvern Hills Trust consultation

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Q4 and Q5 above should be taken together; ie taking the first without the second sounds "dangerous"

It would appear that under the 1884 act, the Trust have the power to raise a levy and does not need the approval of any council.

How can you exact a levy if you are a charity? I would rather give to another one.

Under proposed change 1 to the Public Access should not cyclists also be included as well as 'on foot or horseback'. If not, why not?

I am told the church in Gt Malvern was never, ever, an abbey and to refer to it as such is wrong. Historically, it was a subsidiary i.e. a Priory, of Westminster Abbey. Why not call it by its actual name (St Mary and St Michael). I believe that people paying "rates" to the Conservators, without having any say in whether to pay them or not, should receive free services, like car parking stickers. The Charity Commission should not have any power over the Conservators.

I feel strongly that the name of the body should be Malvern Hills Conservators, as its primary aim is to conserve the Hills and Commons. I assume that taking charitable status was just for tax purposes, so the charity element is very much second and not as it has been promoted recently.

I find the use of "conservators" perfectly sound. Use of "Trust" assumes that the organisation and its trustees are subject to the Trustee Act 1925. The proposed changes do not indicate that this assumption is proposed.

No special levy should be sought at all. Estovers; Castlemorton Parish Council make the Trust aware of parish concerns regarding the rights of estovers.

If changing names incurs a cost, then no, completely pointless.

It is strongly agreed that the name of Great Malvern Priory should be used as this is its correct name. Any changes to the governing documents should be limited change only. It was agreed that the respective Town and Parish councils should have jurisdiction when raising a levy in their area.

Words should be defined in the document appendix with reference to the appropriate Act

I do not agree that a special levy should be raised under any circumstances

There was no need to change the name from Conservators to Trust. Changes to signage etc. has cost a lot of money which could have been put to other use. It is not important to change the name in the Acts.

Miscellaneous - Being descriptive of its purpose, highly respected and in all the Acts, "Malvern Hills Conservators" is a far better name than the bland "Trust".

The Question:"Any proposals to make changes as set out on page 85 (a) – (g) should be excluded from that simplified procedure" presupposes that "the Trust should be able to make limited changes to its governing documents with the sanction of the Charity Commission through a simplified procedure". Neither proposal should be implemented in the scheme. Why has the trust not proposed that parishes like Castle Morton, who have substantial areas of land within their boundaries that are under the Trust's jurisdiction, should also pay a precept and elect a trustee ? This would be fairer than the present situation.

Levy payers should hold a majority of places on the board

Use this facility to change the precept situation and adjoining parishes to pay the special levy and all those parishes to be enfranchised.

All households paying council tax to Malvern Hills District Council should be included in any levy made to the Malvern Hills Conservators.

What's wrong with the name Conservators? Excuses given for name change are daft

NOTE Q18 BOTH TICKED

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Change of name - NO! It would be interesting to know the extent and scope of the "market research" carried out regarding the change of name as I have asked quite a number of people for their opinion on the subject and, although a very few were indifferent, the overwhelming majority are in favour of retaining the distinctive name of the Malvern Hills Conservators. To argue that the name change would bring it into alignment with "similar trusts" such as the Wildlife, Woodland, Wildfowl and Wetland Trusts rather than justifying the change of name amply demonstrates why it should not be changed. All the examples quoted have as their prime purpose the preservation and protection of British natural history and it is obviously advantageous for their name and logo to be recognised as part of the same umbrella organisation wherever they operate throughout the UK. In marked contrast to these, the Malvern Hills Conservators have the responsibility for managing a small, but well-loved part of the English landscape, much of which they own. As to misunderstandings regarding the name; to be met when canvassing for election with, "I never vote Conservative" provides a good opportunity to briefly explain the roles of the Conservators. To change the name in the 21st century in order to bring it in line with a number of natural history "trusts" which were so named in the 20th century is hardly modernisation. Neither does it give any indication of the distinctive powers and responsibilities of the Conservators, e.g. power to raise a levy, and responsibilities to commoners. Ashdown and Epping Forests are proud to retain the historical title of Conservators and so should the MALVERN HILLS CONSERVATORS. Any simplified procedure for amendments to the Acts must also exclude anything which would in any way affect those with rights of common, however minor those changes may appear to be. P86. I have considerable knowledge of the history of the Forest or Chace of Malvern, the creation of the King's Third and its relevance to the 1884 and subsequent Acts from the perspective of a historian not a lawyer.

If the Trust does not propose to have a substantial representation from the community, then the precept, already applied inequitably, is untenable. Perhaps the Malvern Hills would be better under a different structure altogether, such as National Park status. This might protect the landscape from the apparently profit-driven Board.

Q17.point1: The Trust should change its name to Malvern Hills Conservators Trust. There is reference in the document that suggests that people no longer understand the word 'conservator' - I find that to be patronising nonsense. If people, particularly children, do not understand the word, then surely like all such examples, there is a need for education. Would towns and villages which make reference to Scandanavian, Roman or occupations be renamed wholesale? Of course not, its part of the heritage of coming generations.

Huge red flag here. The malvern hills trust is not in line with other "trusts". Other "trusts" were not created due to a specific piece of legislation. Section 37 has this utter gem. [It is proposed to incorporate a provision to allow some changes to the Acts to be made with the consent of the Charity Commission.] Once the charity commission has the ability to amend the Malvern Hills acts, it is game over. The charity commission is just a commission, they have absolutely NO legal authority to make amendments to the Malvern Hills acts. On this note, I feel the consultation process has taken a very serious and concerning turn. It is clear throughout the process there are serious conflicts with the conservators being a charitable trust. The conservators were established to uphold the acts of parliament. Charity status comes second to that, but it is increasingly clear that charity and trust status is now competing to take precedent over the acts. To argue that it would put the Malvern Hills Trust in line with other charities is disingenuous; other charities are not there to uphold acts of parliament. This is an unresolvable conflict of interests. I would therefore propose that the process of diverging the roles of the conservators and those of the trust begins, and that the conservators cease to be a charitable trust. That doesn't necessarily mean the dissolution of the malvern hills trust, instead both the conservators can exist as it did before, backed up by the malvern hills trust, a separate charity that is not impeded by the Malvern Hills acts, and the conservators that are not impeded by the rules imposed by the charity commission. Considering the direction the proposals are taking, this action is imperative.

## Malvern Hills Trust consultation

**Please use the box below if you wish to comment further on our proposals relating to the Levy, Third party rights or the contents of the miscellaneous section of the consultation document (Please use the box below if you wish to comment further o...)**

With reference to my disagreement with Q17, definitions of words, it would appear unsafe to rely upon definitions used by other legislation since if they changed this would change the effect of the Trust's regulations.

the Trust should retain the right to create horse riding facilities etc as there is no reason that the power may not be useful in the future and there is no cost or cosmetic reason to remove it. I will contact the Trust separately on the question of the rights accorded to Lady Isabella Somers Cocks/Lady Henry Somerset

The Conservators are a public body conserving the hills and the commons. Adopting the title of Malvern Hills Trust is overlooking the fact that the Conservators are a public body.

1909 act is no longer applicable to Jubilee Drive and the trust should longer be responsible for its maintenance.

The Malvern Hills Trust shouldn't receive any money from residents via the precept/levy (or any other means) unless they're prepared to represent their residents.

The proposal that 'the incorporated body Malvern Hills Conservators (or Malvern Hills Trust if the name is formally changed) is the charity' loses sight of, and undermines the Trust's status as a Public body.

It is vital the Trust is able to manage both day to day effectively but also looking to the future.

I have ticked yes to the last question of Q 18 above. This should include a combination of all Parishes and Wards under the Conservators/Trustees Jurisdiction and it should have a requirement that a minimum of 75% agree. I have ticked no to the first question about renaming the Charity to MH Trust. The purpose of the 1884 to 1995 MH Acts is to "Conserve" the area. So it is essential to leave the Charity as Malvern Hills Conservators. The attempt to change it to Trust I see as a ploy simply to make Board Members Trustees and not Conservators and allow the Charity to be "self governing" and "self policing" and not accountable to the major stakeholders - The Precept Payers and Tax Payers who contribute significantly to the salaries and wages of the staff.

Non-levy paying areas should be given the option to pay the levy, to increase revenue, as an alternative to the merging of their parishes'/wards with three others for Malvern Hills' Board's electoral purposes. They would keep their three elected members if they paid the precept. Point17.3 above:I believe that it is wrong to define the new trust as a pure charity by simplifying procedures. It is not solely a charity.It is a hybrid public body levying a tax- plus a charity, a special case. It should be acknowledged as such in any future law defining its objectives and procedures..Changes should not only be alterable by statutory instrument or other means, which are less open to appeal than the current acts.Public participation must be seen to be valued and not merely seen as a block to change. Goodwill is there among local people, for the conservation of our beautiful area.But their views must be sought more assiduously.

I note the new name, but would have preferred to se the name "conservators" retrained. That is, after all, what the Trust is about. While I seldom see horse riders on the hills they should be allowed and there should be clearly indicated "Bridle paths" for them. I agree that there are several paths where horses would not be welcome and could "chew up" footpaths. In raising any special levy I am sure that the respective Parish councils should be consulted. However the MHDC is far better equipped . legally and finically , to vet such requests; hence they should have the final say in agreeing such levies after the parish councils have been consulted.

There seems little room now for consultation about the name, given that MHT is already in use (presumably and considerable expense) - see below!

The name conservators explains the purpose of the organisation. Do not adopt legal definitions not designed for the Malvern hills.

All changes should be subject to public scrutiny, and their views should be respected

Q18 Should read 'Malvern Hills District Council'

**Please use the box below if you wish to comment further on our proposals relating to the Levy, Third party rights or the contents of the miscellaneous section of the consultation document (Please use the box below if you wish to comment further o...)**

The name Malvern Hills Conservators spells out exactly what their function is and where. "Trust" is very vague and could be part of the National Trust. The 5 Acts are part of the land's history and should be preserved not scrapped

With respect to the name change, I think, while I understand the drive to lose the word 'Conservators', the connotation of the word should not have been lost. I would have preferred the name Malvern Hills Conservation Trust - much more clearly unpolitical but with the aim of the organisation clearly stated in the title.

Strongly disagree with the change of name, and that the Conservators have practically adopted this already without public agreement. A "Trust" could be anything: whereas "Conservator" does what it says on the tin, and the ultimate purpose of the organisation is clear.. If the organisation feels that this is causing confusion then they need to educate and make clear statements of its aims and objectives. A major problem in the consultation documents is that the 'objectives' are not thoroughly spelled-out and are not reference back by the proposed changes. Most large professional organisations nowadays have clear Mission statements, Goals, Objectives, KPIs and measures that enable them to develop strategies and change that work toward those goas. Thus it is unclear if the trade offs between public access and enjoyment versus environmental and organisational efficiency is being properly considered. I fear that a lot of the proposals here are inwardly focussed on the administration of the organisation, with proper cognisance of its 'customer'. The Charity Commission does not closely scrutinise changes and there needs to be a more thorough review process.

Q18 Malvern Hills District Council

There seems to be a large discrepancy in the paying of the Levy. There are large areas , Castlemorton, Newland and Powick who do not pay a levy but have areas of land under the jurisdiction of The Trust. Why is this and should not this be a matter to be addressed in the ' modernisation ' being undertaken.

With regards to 'the levy', surely whilst modernising all other aspects of you work you should be now asking non precept paying areas to now do so. I am suspicious about why you are not doing this and conclude that this is because you believe this would result in a backlash of negative feedback from the residents in those areas and thus you have selected to opt out of such a scenario.

Q18 - why is this either/or? It would be better to include the District and Parish and Town Councils together.

Third Party Rights : Please preserve the fact that Stephen Ballard gifted Thirds Wood above box cottage to the Conservators : IT was not purchased, however with the gifting and third party rights were annulled.

Most citizens probably do not fully understand the full role and responsibility of a Yeoman, and yet the Tower of London appears to function quite well without a change of name. Conservators is a perfectly adequate name and should remain in place, there is no need to change it at all. A Trust is similarly ambiguous (perhaps deliberately so?) given your ambition - why would a Trust own livestock for example.....? Why would a Trust run a tea shop.....? These are not the first areas of responsibility that spring to mind when a person considers the role of a Trust. Similarly, definitions, it would pay you to reference the definition as understood, then you are not subject to any changes or omissions in the other document/legislation you are referencing - indeed had you a definition of Natural Aspect, then you would have to consider rewording that. Incidentally, I believe that most people would have a natural understanding of the term Natural Aspect without it requiring extensive change and, naturally, you could provide a definition and have that approved accordingly which would remove the need for rewording the document.

## Malvern Hills Trust consultation

**Do you think that any of the proposals in the consultation document might interfere with the objectives of the Equality Act? (Do you think that any of the proposals in the consultatio...)**



**If yes, please set out details so that the Trust, the Charity Commission and DCMS can consider the issues carefully against relevant law and statutory guidance (If yes, please set out details so that the Trust, the Cha...)**

The proposals as outlined in the Consultation document give the executive disproportionate power on the board. It is not acceptable either that the Trustees will no longer represent an area of Malvern, but the precept payers will still be expected to pay the precept when there is no representation or accountability. There should be 'No taxation without representation'.

Gates for disabled people on hills are in places which are accessible. Sounds like a tick box exercise rather than actually doing anything.

Additional fencing will interfere with access for visitors who have a disability. The Independent Nomination Panel is not properly independent as the CEO has a vote for selection of its members and can take part in all meeting which is likely to lead to cronyism.

additional fencing will deter access by disabled people.

The proposed change of name to MALVERN HILLS TRUST undermines the organisations role as a PUBLIC BODY and to be ACCOUNTABLE TO ITS PRECEPT PAYERS, FUNDS WHICH THEY STILL EXPECT TO RECEIVE. There was no LEGAL FRAMEWORK available for this consultation.

The proposed change of name from Malvern Hills Conservators to Malvern Hills Trust is unacceptable, as it undermines the organisation's role as a Public body. It is unacceptable that the Public will still be expected to pay the Precept and yet there will be no representation by the Trustees or accountability. The Precept payers should have been the opportunity to express their views at a formative stage of this scheme. There is no legal framework document available so the detail of the changes is lacking. The proposals give the executive disproportionate power on the Board.

Fencing and access rights for the disabled

The proposed changes would concentrate power in the hands of unelected trustees and the Chief Executive. They would not be constrained in their actions in the same way that the elected trustees would be. There would be less accountability to the precept payers.

Yes, the powers the Conservators are seeking are unnecessary and far too extensive. The people who will suffer are the Residents who will have no say in what happens in and around their town whilst they are expected to fund them through the Precept. Malvern will be ruined forever if such powers are given to one organisation. The Commons and Hills for which Malvern is famous will be ruined.

Access to the hills while maintaining the hills is a necessary objective and while the creation of say a cable car may open up access its unintended consequence would be a change to the nature of the hills, hopefully non of the above will allow the addition of such an eyesore to the hills.

Page 42 Entry points to a secured common should include provision for horse riders and disabled access. The word 'stiles' should be removed.

Page 14 encourages positive discrimination, which is still discrimination. Page 15 proposed appointment of INP is undemocratic and unfair.

If public are excluded from meetings the only way they are able to be informed is through access to the minutes after the meeting. For some this would be extremely difficult. Eg. Those for whom English is not their main language, others may have a poor standard of literacy or limited ability to access information. The visually impaired etc

## Malvern Hills Trust consultation

**If yes, please set out details so that the Trust, the Charity Commission and DCMS can consider the issues carefully against relevant law and statutory guidance (If yes, please set out details so that the Trust, the Cha...)**

Local residents who are Precept payers and live near Common land will be disadvantaged. I disagree with the Trust wanting to run its affairs as a business through the taxing the residents in the Precept paying wards. They seem to be moving further and further away from their original aims, which were to conserve these wonderful areas. Should their Conservation work continue, then paying towards that is acceptable. The Trustees should be conserving the Commons and enhancing them where required- they are a unique and wonderful asset to the area. Most people living within living in Britain would 'give their right arm' to live in such a wonderful environment. To ruin this area in any way would be criminal. The Malvern Hills Trust does not fully appreciate the value of the wide sweeping Common land adjacent to the wonderful approaches to this area. They do not seem to be engaging in a positive practical way of protecting these Commons.

Adding any restriction to access inevitably makes life more difficult for disabled people - and others with Protected Characteristics. If we are to see bypass gates next to cattle grids or in other places then please make them as user friendly as possible. I suggest that two-way, self-closing bridle gates are used. Any furniture must comply with BS5709-2018 which requires them to be kept in good condition to maintain compliance. This includes the land before and after the gate. Under no circumstances should stiles, or other means of access which do not comply with BS5709-2018, be installed.

Worried about the fencing and disability - particularly where mobility of upper limbs is an issue, or the need exists to use a wheelchair, or mobility scooter, or some sort of walking frame.

Yes - the proposal to remove board members if they do not attend meetings for a fixed period. This might be due to disability, pregnancy or new motherhood. In such cases a reasonable adjustment should be made to allow people to participate in meetings without being physically present, for example via Skype. The role of carers should also be considered. Although they are not protected in Equality legislation, they do have legal protections. They also perform a vital role in society and so reasonable adjustment should be made for them as well.

Barriers need to be designed and constructed to enable access for all.

By putting up fences where there have never been any, and shouldn't be any.

The members of the Board/Trustees should represent all MHDC area residents. The Malvern Hills and Commons are not a private park.

If the proposed changes go ahead then the public will no longer be represented even though the Malvern Hills Trust are still receiving the precept/levy.

Where are the details of the objectives of the Equality Act? I can't find them.

Whilst the Trust is a Charity, it is also a Public Body and therefore the Trustees elected by their particular Ward are indeed representatives of the Ward who elected them. In this way the Trustees are responsible for and accountable to the public who elected them and who fund them via the Precept in their council tax. This income is the Trust's biggest source of funding annually. It is this vital correlation between accountability and democracy that the Trust wish to disconnect in the current Consultation document, thereby making Trustees no longer representatives of specific areas and yet they still wish to receive the Precept. The Trust does not give any reason why it thinks that it needs such extensive powers. The Public consultation document does not give details of its proposed changes, or the need for them.

**If yes, please set out details so that the Trust, the Charity Commission and DCMS can consider the issues carefully against relevant law and statutory guidance (If yes, please set out details so that the Trust, the Cha...)**

The proposals as outlined in the Consultation document give the executive disproportionate power on the board. The public would have no power at all. There is no legal framework available, so there is no detail available with respect to the proposed changes. This proposed Charity Commission scheme is in no way a Consolidation Act, the aim of which is to draw together different enactments on a topic into a single Act. The proposals are so extensive that they bear no resemblance to what was intended as the role of Conservators on the Malvern Hills and Commons. The residents of Malvern will be of minor consideration if at all. The failure in the Consultation document to make any acknowledgement of the Trust's role as a Public body makes it clear that the intent is to use the Charity Commission scheme to make the Trust a pure charity without responsibility and accountability to Precept payers. There is a conflict of interest if the Trustees want to be able to sell, purchase and work in conservation. The powers now being sought are far greater than are needed for Conservation and could lead to exploitation. There is no explanation given as to why such extensive powers are needed by the Conservators. The proposals will allow the Trust to engage in a number of commercial activities which would have been a completely alienable concept to that envisaged by the founding conservators. The extensive powers being sought are a complete negation of the original aims of the Trust. Given that Trust members are only in office for a period of time, there is no knowing how these extensive powers will be utilised in the future, with the result that the Malvern Hills could be ruined forever. Losing the representation of elected trustees for particular wards of Malvern and the proposed nature of its elections, make the Trust less accountable to Precept payers. Such a move is undemocratic and regressive. Besides, the assertion that Trustees cannot represent those who elected them, is in direct contradiction with the established status of the Trust being a public body. Areas on the outskirts of Malvern with a relatively small number of electors, but a relatively high proportion of Common land will be at a distinct disadvantage under the new arrangements compared to the existing ones. Under the new proposals, those in wards and parishes containing the largest areas of MHT land will lose influence on the Board compared to more populous wards and parishes with comparatively little MHT land within their boundaries. The unintended consequences are likely to be extensive as the Consultation document gives no details on the proposals. There is no legal framework available either. It does the public a grave injustice to ask for their assessment when so little detail of the specifics are available. There is a precedent for disallowing the powers now sought by the Conservators in Hansard's 1993 Paper. The powers sought then were roundly rejected by the House of Lords at the time and should be rejected once again. In 1994 a new draft had dropped many of the powers which were considered too far ranging and which then led the way for the 1995 Act. The explanations given then for the rejection of such extensive powers are as relevant now as they were then. Baroness Nicol(1993) encapsulated the reasons very well at the time with the following: '.....the petitioners against the Bill are of the view that the powers now being sought are greater than are necessary for conservation and could lead to more exploitation... and further ' .....the first time the Conservators have sought power to exclude the public and perform certain other acts which are a negation of their original aims...' Lord Hampton(1993) was of a similar opinion '.....conservators are seeking powers well beyond those needed to carry out their prime functions:.....' Also '.....I do not believe that it makes sense to allow people by law to take certain actions that you later hope to stop...' Lord Moran too, '.....no explanation of why the conservators thought that they required these comparatively sweeping powers.....' Viscount Colville of Culross '.....if the Bill goes through in its present form it is possible, and even probable, that the Malvern Hills will be ruined forever...' I would urge you to consider the rather prescient remarks, that could equally well be applied to the widespread powers the Conservators are now seeking via the Consultation document. The Precept constitutes just under half a million pounds a year, the biggest single source of funding received by the Trust each year. The Consultation document is a betrayal of our Trust and will cause massive reputational damage to the Trust. There should be 'No taxation without representation.'

The Consultation Document fails to acknowledge the Trust's role as a public body. There should be no taxation without representation.

The Trust's role as a public body is not acknowledged in the document. There should be no taxation without representation.

## Malvern Hills Trust consultation

**If yes, please set out details so that the Trust, the Charity Commission and DCMS can consider the issues carefully against relevant law and statutory guidance (If yes, please set out details so that the Trust, the Cha...)**

There should be no taxation without representation.

The Public Consultation document does not make any acknowledgement of the Trusts role as a Public Body which is inclusive in its role. It is clear the Trust intends to use the Charity Commission Scheme. The Trust does not want to accept responsibility or accountability to the Precept payers it serves. The Public should not be taxed if they are not going to be represented

The Malvern Hills Trust has a role as a Public Body and this is omitted from the document. The Malvern Hills trust seems to be using the Charity Commission Scheme to become a pure charity that does not have accountability or responsibility to the Precept Payers it serves. If the public are taxed with the precept( as they are )they should be adequately represented.

There is no acknowledgement in the Consultation of the trusts role as a Public Body which is part of its role. I feel the Charity Commission Scheme is being used to produce a Charity that is not responsible or accountable. As residents we have no choice if we pay a precept to Malvern Hills Trust we have to and for this reason i disagree with the changes.

The document fails to acknowledge the Trusts role as a Public Body. From this i feel the Charity Commission Scheme is being wrongly used to produce a pure Charity which is not responsible or accountable to precept payers. There should be no taxation without representation.

The proposal put forward earlier that the Conservators/Trust or Trustees are not required to allow the Public to attend Committee Meetings is a complete and unacceptable interference of the objectives and indeed the Equality Act itself as the Conservators/Trust are a Public Body and have obligations as provided by part 4 of the Charities Act 2011 to act at all times in the Public Interest. This is highlighted further in all the guidelines of the Charity Commission.

As stated previously barring access to unauthorised vehicles and excessive fencing could restrict access for wheelchair users or pushchairs

There should be no taxation without representation.

No taxation without precept payers being properly represented.

The Trust should be account table to Precept Payers.

Surely, it is for a professional to define whether these proposals interfere with the objectives of the Equality Act. Expecting a lay person who has just had to comb through 94 pages of proposals is a bit much.

The consultation document doesn't acknowledge the trusts role as a public body. It is opting to reduce the number of locally elected . The separate areas precepts should be represented. As if not they shouldn't be expected to pay. As is often quoted there shouldn't be taxation without representation. There is an overall concern about being held accountable to the local people.

How can people be expected to pay fees and not be represented. Concern about accountability , responsibility and commercialism of common land. Why do some areas of malvern have to pay fees and others not

Don't like reduction of members. Each few paying area should be represented. Power in hands of few who will not be representing local opinion not very democratically decided. If people who live in most of Malvern have no choice other than to pay dues. Shouldn't they then have access to meetings decision making.

**Can you foresee any possible unintended consequences of the proposed changes? (Do you think that any of the proposals in the consultatio...)**



**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

The MHT profile may be raised such that existing levy payers query the exclusion of Castlemorton. Newlands, Powick et al ratepayers from contributing towards the upkeep of the hills

As above Acts that are woolly and lose can lead to mis-interpretation.

Increased littering / environmental damage from licensing businesses to use land, as previously mentioned: could be mitigated by strict environmental practices that go well beyond minimum standards. Increased use of fossil fuels and pollution (air, water, plastic) from housing livestock / increased use of buildings on Trust land: again could be mitigated by strict environmental practices that go well beyond minimum standards. Allowing cycling on the hills. Whilst I am not against this in any way, at present many cyclists don't give way to pedestrians; mountain bikers hurtle round corners; cyclists go off road, with the potential for exacerbating erosion. Is there provision in the byelaws which regulates such behaviour? This could be a target for on the spot fines.

That access to the Common will be restricted - regardless of the stated intent - by fencing off the Common.

Yes. The current Levy arrangements are "unfair" and should include residents in Castlemorton, Powick etc who do not pay. I appreciate that you have been advised by DCMS not to tackle this throughh this exercise BUtTit MUST be addressed sooner rather than later and there should be a parallel procedure to amend. It is unacceptable that non paying residents living in Trust areas such as Casltemorten etc. do not pay the Levy

As mentioned though my answers. These will be significant, and in time not to the beneit of the Hills, the land managed or malvern

With a much smaller, and more effective and manageable board, there could be a danger that a small clique forms which rotates membership, even with the 2 year forced break. Hopefully good management and publicity would mitigate this.

There is little detail in the Consultation document of how such extensive changes are going to be achieved. The fact remains that with no legal document in place, there is plenty of scope for unintended consequences.

See membership scheme above.

You could have carte blanche to do what ever you like.

Whilst the proposed changes may seem now to enable easier day to day operation, they open the the door to unscrupulous future caretakers profiteering personally from the changes proposed in land development and commercialization in an organisation with over 50% guaranteed income. It is not difficult to foresee the time when the supply of well meaning individuals prepared to open themselves to abuse and even litigation, dries up and you are forced to pay for expertise, currently gratis. Individuals act quite differently when not volunteering. Even if they don't there will be a public perception that they do.You are caretakers of the future as well as the present.

As I see it, some unwanted & undesirable consequences of any changes to the powers of the Malvern Hills Trust could be sale of land, building on land, wind farms, mobile phone masts, car parks, children's playgrounds & many more unforeseen changes.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

If the Malvern Hills Trust should get all the power they wish, undesirable consequences could then be various commercial developments. e.g. Construction of wind farms, the sale of land, erection of mobile phone or TV masts, solar panels etc. The hills & commons should remain as a conservation area & managed accordingly with the current Acts of Parliament designed to protect them left firmly in place.

The direction of travel envisaged by the scheme is wrong and may well offend public law principles and public accountability of a public body. MHT should be focusing on its core principles and bringing ancillary land within those rather than amending its approach because of post acquired non common land. Whilst it is unclear exactly what is intended because the detail of and rationale for the scheme is not spelled out, an obvious change will be the loss of public scrutiny, accountability and transparency. Recent decision making shows that MHT is still not sufficiently skilled in this area to be trusted to make important decisions in private and without public scrutiny. This is partly because it fails to recognise when a decision is significant and when it is not - e.g. the chance lane easement. To avoid poor decision making which leads to the loss of public money any changes should be staged so that changes to trustees and specific powers should be separated from the elements of the scheme which restrict public accountability and transparency. MHT has to earn the respect and trust of the precept payers before they should be asked to agree to excluding their scrutiny.

Unwanted & undesirable consequences could be MHT land usage being changed thus threatening the conservation & natural beauty of the area. These could be too many car parks, land being used purely to make profit, land being sold off for building houses etc, etc. I am against the current acts of parliament being removed or altered in any way.

Unwanted & undesirable consequences could be quite vast including land being sold or misused in future. The safest thing to do is to leave the acts of parliament exactly where they are in order to protect this beautiful area. After all, that's why they were issued initially.

THE PROPOSALS WILL RESULT IN TAXATION WITHOUT REPRESENTATION FOR ALL PRECEPT PAYERS. THIS IS TOTALLY UNACCEPTABLE AND MY UNDERSTANDING IS THAT LEGISLATION ONLY ALLOWS FOR PUBLIC BODIES TO RECEIVE SUCH PAYMENTS.

Complete isolation of levy payers from the decision making process and a the removal of the ability to take account of local requirements when set against the Charity requirements.

Without any LEGAL FRAMEWORK DOCUMENT AVAILABLE, THE DETAILS OF ALL THE PROPOSED CHANGES CANNOT BE FULLY ASSESSED.

The absence of the legal framework document means that the unintended consequences of such proposed changes could be extensive. Without the detail of the changes, it is hard to assess the exact nature of the impact.

Concern that the Trust becomes dominant and commoners give up. I have concerns that attitudes will change to - whats the point in trying to get a site grazed if we can leave it to the trust to get some stock and sort it out. The Trust charging for events is useful for you to raise monies but sets a precedent which needs careful management.

There are some significant changes proposed relating to function, governance, structure and public accountability. Some may merely be misinterpretation, in which case greater clarity is required. There appears to be an urge to build something more than previously existed which is of concern. There are 2 objects stated for the Trust. Much of this questionnaire has had little relevance to them and is in danger of raising significant opposition to the new governance and losing some of the modern and needed consolidation along the way.

#### Access restrictions

There are bound to be some unintended consequences to such radical changes to the Malvern Hills Conservators.

Far too much unspecified powers proposed, as detailed earlier.

The proposals give disproportionate power to people with no connection to the area and therefore leaves the trust with little accountability.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

Removal of precedents set by decisions made across the years.

If the all the trustees are not elected then the Trust loses its connection with the local community. That would be very serious! Such a disconnect could result in conflict and reluctance by the local community to support it.

Generally it means less people have more power to govern this land. It is obvious the trust wants to commercialise the land and restrict access.

Again protection of open spaces for all

1. MHDCouncil might discover that Precept payers do not wish to make a forced donation to a Charity not of their own choice through their Council Tax. OR 2. MHDC might discover that they have no legal power to collect donations for a charity if the Precept payers receive no rights of representation in return.

Q22a 1. MHDCouncil might discover that Precept payers do not wish to make a forced donation to a Charity not of their own choice through their Council Tax. OR 2. MHDC might discover that they have no legal power to collect donations for a charity if the Precept payers receive no rights of representation in return. (local democracy)

Many

Commercialisation of the Malvern hills

Creating/furthering non-elected clique.

Reducing the size of the governing body may mean that decisions could be unduly influenced by an individual officer or trustee. This must be avoided.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

Page 68 The ancient right of estovers referred to rights given to copyhold tenants, as most properties were tenanted in those days. The rights of estover used to be subdivided into various categories. Copyhold was abolished in 1926. The Trust have stated that they take the view that estovers excludes the right to cut branches, unless the commoner can prove otherwise. This is an untenable position, as the person who registered the original rights is almost certainly dead and the whole point of registration was to have a clear, publically available register to prevent future disputes. Fortunately, there is sound evidence that anyone with the right of estovers has the right to cut small branches. In 1810, a test case at the Assizes upheld the right of Freeholders to crop trees on Malvern Chase as part of their general right of estovers. Crop means to cut. The modern definition of estovers is quite clear. The Trust have stated that they wish to avoid lengthy lists of definitions and instead to refer to legislation. Two appropriate reference points is given below. HM Government explanatory notes to the Commons Act 2006 give a modern definition of estovers: Estovers (right of): to cut wood, gorse or furze for domestic fuel. Also to collect bracken and other plants for use as animal bedding, or to collect (or sometimes lop) wood for use in repairing fences etc. The Royal Commission on Common Land Report 1955-1958, which led to the registration of the 1965 Commons Registration Act, defined estovers as: The common right, appurtenant or in gross, of cutting and taking tree loppings, or gorse, furze, bushes or underwood, heather or fern, of a common, for fuel to burn in the commoner's house or for the repair of the farm house and farm buildings, hedges, fences and farm instruments. Appurtenant means belonging to the property, whereas in gross means belonging to the person (and not applicable on Castlemorton Common). When the register of commoners' rights was compiled, the rights of estovers were registered as single word. There was no subdivisions or categories. Had there been a need to be any clearer, the registration officer would have asked for more detail, as the purpose of registration was to register common rights forever. Once registered, there was to be no dispute. The Trust should make it clear that the right of estovers includes the right to cut small branches from trees. Additionally, as the 1884 states that estovers does not apply to trees planted by the Trust, we need a publically available register and location map of these trees. Ideally this would be published on the Trust's web site. There will need to be some consultation and resolution-of-dispute process. It would be sufficient for the Trust to publish a list and give a period of six weeks for anyone to challenge it, after which the list would become final (but subject to additions for any subsequent planting). In the event of dispute, the Trust would be required to prove their case. Regarding the 1909 Act, Section 6 says that trees and shrubs planted elsewhere than upon lands set out in the third schedule to the 1884 Act shall be subject to estovers, but shall not be cut down until they are 18 feet in girth. (it incorrectly states 16 feet in the Consultation Document). I understand from the Secretary to the Board that this refers to land subsequently acquired: Purpose Land (common land – Castlemorton Common, SL9) and Ancillary Land. The Trust have, without any explanation or justification, sought to remove this Section. I object to this because to do so would be take away some part of the common right of estovers and it is illegal to do so. Under the 1965 Commons Registration Act, commoners' rights are inviolable. (See also Section 27 of the 1884 Act). To exercise that right, right of access to Ancillary Land is required. The Trust proposes to restrict public access to its Ancillary Land at certain times and this would be an infringement of the rights of estover. Access at all times for this purpose must be maintained for this purpose. In practice it would never be used as there are probably no qualifying trees and there is plenty of wood elsewhere.

Because they have chosen to govern themselves, they are likely to undermine a necessary relationship with local Councils. 2. MHDCouncil might discover that Precept payers do not wish to make a forced donation to a Charity not of their own choice through their Council Tax. OR 3. MHDC might discover that they have no legal power to collect donations for a charity if the Precept payers receive no rights of representation in return

I have made comments elsewhere in this questionnaire

Loss and/or restrictive public access

Many of the proposed changes are far to widely drawn, giving great power without accompanying checks and balances (see my earlier comments for some of these). They are open to abuse. I hope such consequences are unintended, but this does not engender confidence and trust.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

There may be a potential for a commercialisation of the hills where profits become more important than preservation. The Hills and surrounding area need to be protected for generations to come, not just for local residents but anyone who wants to visit and enjoy their beauty. The world does not belong to anyone and The Trust does not own the hills, we should all be altruistic caretakers and not seek to benefit at the cost of others.

Precept payers might not want to contribute through their council tax to a charity. If precept payers have no representation, why should they pay?

AS I mentioned before there may be no way to continue to get a levy when you are a charity involved in teh commercialisation of the hills.

Some will provoke hostility because they are not understood. I support most of the proposals but think that MHT PR is currently not up to the task of convincing people of their necessity. I suspect that one unintended consequence will be increased suspicion of the trust.

Some of the changes suggest that those steering the charity want to make it less representative of local people and their interests. Please remember why the Conservators started - to preserve the hills and common lands that effectively belong to the people of Malvern from commercial exploitation. People are suspicious of the motives of MHT following the recent debacle over the easement proposal for Chance Lane, something which threatened common land and some of the most stunning views of the Hills along Chance Lane. It appears that proposed changes such as reducing the number of board members and excluding the public from meetings are being mooted in order to make it easier for the trust to grant such easements in the future. Protection of the common land and hills from any future damage must be the first and foremost priority and should be enshrined in the trust's goals. Of course, this is what the Conservators were established to do and it must continue.

If number of trustees on Board is reduce, important issues for the preservation of trust land could be eroded, especially if local representatives of wards are barred from voting on some issues.

The ruination of this lovely area.

Changes to the number of trustees makes the Trust open to possible corruption.

As previously mentioned, some of these new powers might be used in the (distant) future to restrict access to the public to an extent not intended by the present Trustees.

Much of the work seems to put the Conservators in a bubble - sometimes needing consent or permission to do what they want, at other times to ignore everyone else's responsibilities and power. Gullet Quarry is a local example. The Environmental Protection Act, and supporting legislation, drugs use; dangerous driving; bird flu, foot and mouth, swine fever or even dog poo clearance are other examples.

Firstly, this part of the Document needs re-writing so that the title for Q20 should be "Equality Act -- Page 92" for clarity and consistency. Then Q22a and Q22 should have in bold the title "Unintended consequences -- Page 93". My answer to Q22a is:- A huge bill for the "Scheme", whether implemented in whole or in part. Unless a more convincing case is made for the "Scheme", this unwarranted expenditure of levy-payers' monies will alienate them at the very least.

I am concerned that the Trust should prioritise in every way the preserving of the BEAUTY AND HARMONY of a wonderful landscape - and that this should not be submerged beneath more narrow scientific and academic researches.

While I understand that the trust needs to modernise the Act, I have some concerns that some of the changes could end up benefiting the Trust for its own sake rather than for the land and the people who access the land. Yes the Trust should be able to operate in a more enterprising manner and take advantage of the resources and opportunities it has at its disposal, but I think there is a danger of negative impacts, real or perceived, from the licencing and leasing powers, where money becomes prioritised over users.

Potential commercialism and pressures to hold events which are not sympathetic with the ambience of the hills. eg extensive numbers of hill runners or cyclists at events.

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The proposal perpetuates a flawed voting mechanism in that the electorate is defined by who pays the compulsory levy, many of whom are uninterested, and does not take the opportunity to widen voting rights to other, interested parties. This could be resolved by including the power to widen voting rights to the parishes which do not pay the levy and/or the proposed membership

The "Scheme" will be very costly, whether implemented in whole or in part. Unless a more convincing case is made for the "Scheme", it will prove an unwarranted expenditure which most levy-payers do not want or seek.

Different parts of the land under the Trust's jurisdiction have different requirements. It is the old story of "one size doesn't fit all".

Maybe I've missed the point .. but there needs to be some mechanism for balancing the needs of different Hills users. I walk, jog and cycle on the hills. I have to be sensitive to all the other users. This could be regulated e.g. insistence on bells and helmets for off-road bikers, restrictions on off-lead areas for dogs. (see Attingham Park, where 'short-lead areas' are defined.) Perhaps there could be a 'Love the Hills' certificate/card/badge where individuals sign up to a code of behaviour.

If the trust intends to fence off parts of the common for a year or longer, they will be preventing commoners from exercising their rights.

The statement "i" on page 89 of the consultation document, concerning the body corporate, may undermine the Trust's established status as a public body, to the detriment of the Trust's reputation with the precept payers.

rewording the Trusts objectives will weaken precedents which as a public body the Trust is required to take into account. The mitigation is simple retain the existing objects.

Changing the Trusts objectives endangers the Trusts culture and ethos.

I was told that those already on the board will select nominated members. This could lead to interested groups eg developers or cable car enthusiasts increasing their influence, and with a tiny quorum of 4 could lead to the ruination of the hills against the wishes of the greater public. The Board must not have powers to change the Acts even in a minor way as this could lead to a different future interpretation. It is all very well saying that members have to vote according to the Laws not their feelings, but with only 12 members of a board, one rogue member could effectively endanger the ecology of the hills. Encouraging events through selling merchandise and food, could lead to more mountain bikers etc and my deaf with poor sight, elderly dogs have almost been runover many times already. Living immediately below the Beacon, I am concerned that the deep gulleys that bikers are creating which go directly down the hillside, leads to more flooding risk and soil erosion. Anything that may promote more cycling on the hills should not be started. Both cycling and grazing of cows in one area for more than a few weeks, has led to patch disintegration and I often fall in winter on the mud/ice slope created.

Changing the trusts objectives will loose the Trusts history and perspective. Mitigation: Keep the existing objects and in particular the term natural aspect, which means now what it did when the act was passed.

Reduction in Board size to just 12 and decreasing number of elected members, could lead to more people building in green belt through allowing service connections and access over Hills Trust land. The Trust should protect the countryside around its boundaries. Wildlife moves in and out of Hills Trust land and needs this access and extra habitat. Increasing development around its perimeter leads to more conflict between ecology and the interests of people, plus an inevitable increase of herbicides and other pollutants plus cats (predators) etc will impact on the Hills Trust lands.

Minority interests eg Cable Car group or people building on land adjacent to Hills Trust land will gain an advantage through the too radical reduction of the board from 29 to 12. To have an equal number of elected and unelected members and only 12 in total will lead to cliques forming and potentially biased voting on the basis of strong characters rather than individual thought. With a tiny quorum, one voter not keeping to the remit could result in permanent damage to the special ecology of the AONB. The hills need to be kept as wilderness and not permanently fenced.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

Adoption of these changes effectively turns the Malvern Hills Conservators into a selective group of people running their own private park - open to the public under arbitrary rules and control.

I am concerned that the changes proposed could lead to a reduction in the accountability of the Malvern Hills trustees, to precept payers and wider ward residents who do not pay the levy currently

Re the election and selection of Trustee members. There needs to be a more inclusive make up of the Trustees. There is also a subtle suggestion of more commercialisation, small changes may lead to overhead cable cars adorning the hills. The Trust must be relevant to the lives of local people and visitors, but should not alter this beautiful environment beyond recognition. Stay with object a and b on page 8.

Unintended consequences: possibility of inappropriate construction. e.g. cable car and ancillary buildings?

There is a clear and ongoing conflict between the requirements laid down by the charities commission, and the original purpose of the conservators. Whilst modernisation and progress is to be applauded, the conflicts between the charity status and the prime directive of the conservators is deeply concerning. The Malvern Hills acts take precedent. When charity law starts to affect that, it is time to remove the trust status of the working part of the conservators. A separate trust can be used to take advantage of donations and the gift aid scheme in relation to donations, covenants, grants and legacies bequeathed to maintain the hills and commons. The trust would then become the fundraising arm of the conservators; monies raised passed to the conservators as grant money for the conservation of the hills. In turn, the trust can also provide grants to other groups who also carry out conservation work on the hills.

Under the proposed arrangements the Trust's powers are unrestrained, and not aligned to long held existing objectives.

Changing the Conservators objectives to the Trusts objectives, leaves the Trust free to become a business. The National Trust, as well as being a charity, is also a business. The Malvern Hills Conservators, whilst having charitable status, are a public body, and need to stay meeting their objectives.

These proposals will create a greater burden on The Trust in terms of administration and it will become necessary to employ more people to administer The Trust. That will be a huge burden to The Trust

Many (too many to list).

The rights of Commoners are reduced. Powers of the Malvern Hills Conservators are increased allowing them to operate freely in a unique and historic area. They have an historic obligation to protect the rights of local Commoners, not to run the Hills as they wish.

The Trust does not give any reason why it thinks that it needs such extensive powers. The Public consultation document does not give details of its proposed changes, or the need for them. Many possible consequences

I strongly oppose the Malvern Hills Conservators / Trust scheme to reduce board membership. The proposed scheme very unfairly managed with lack of publicity, and total disregard to democracy. We the precept paying local residents of 11 specific areas who largely have to fund the Malvern Hills Conservators, yet the Board appear to act on "Best practice guidelines" from the Charity commission rather than consider fully their tax paying residents. Indeed it has been alleged that some £100,000 has already been spent on the scheme prior to consultation and some additional funding will be required to complete the project! This is public money and the precept paying public have a right to know in detail the expenditure. The 11 truly elected membership should not be reduced in any way as each member would be responsible for concerns of residents to the specific area they represent.

The unintended consequences are likely to be extensive as the Consultation document gives no details on the proposals. There is no legal framework available either. It does the public a grave injustice to ask for their assessment when so little detail of the specifics are available.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

MHT transitions the area into a Theme Park

Where is estimate of financial cost of all these changes to those parishes on who the levy is made? What if any adjustment will have be made to the MHT budget Over what period of time are the proposed changes going to be made?

There is no way in which I condone the actions which might lead to the need to hand out a fixed penalty notice, but I fear that if that were to be allowed it could lead to a situation where wardens were appointed and had to issue enough notices to cover costs - I don't want the hills to end up having the same feel as a controversial car park. This, along with being able to 'secure the commons' would lead to an unavoidable change in character to this unique place.

Some of the proposals could alienate residents of the parishes on or near to land under the jurisdiction of The Malvern Hills Trust. Local people are here for twelve months of the year and value the natural beauty of the area. Many have often fought hard to help with the conservation of the hills and commons, especially the struggles to end quarrying. 1884 was a long time ago and one recognises the need for the Malvern Hills to be managed in a way compatible with the 21st century and sufficiently forward looking for future.

There is no legal framework.

The Charity Governance Code I consider uses the words "good practice" and not "best practice" [Page 13 of the Consultation Document] so I consider this Document is not a proper representation of the Governance Code. It is essential to have Elected Persons as Members of the Board for the sake of democracy and ensure that those paying the Precept are properly represented. This selection should now comprise a) none nominated by MHDC; b) Guarlford - Mathon - Colwall should each have 1 Elected Conservator/Trustee [totalling 3]; c) The 10 Wards shown at page 12 of the Consultation Document should each have an Elected Conservator/Trustee [totalling 10] and the Church Commissioners should appoint 1. I calculate that this totals 18 including the Appointed Trustees which is a reduction of over a third of the existing arrangement and significantly streamlines the present situation. It allows democracy to continue and it takes away any possible conflict of any Elected Members of MHDC. If a District Councillor of MHDC or a County Councillor for Worcestershire or Herefordshire wishes to stand for Election for the 10 Wards then that ought to be allowed as that would be in the Public Interest. A need to reduce the number from 29 Conservators/Trustees is understood and it is accepted probably difficult to manage. The reduction to 12 Conservators/Trustees is not acceptable where 6 are Elected and 6 Appointed for the reasons set out above. The Consultation Document refers to an Independent Body and/or an Independent Nomination Panel and though it indicates who that might be; the proposed possible selection process casts considerable doubts upon independence and a lack of conflict of interest. There should be 4 Appointed Conservators/Trustees and these should be chosen by the other Elected Conservators/Trustees after 01 November 2019. Those wishing to be selected for nomination [which can be up to 20] should set out in writing their academic skills and qualifications; but in particular their practical experience "on the field" of at least 5 years of dealing with Conservation, Animal Management and Welfare, good Farming Practice and Land Management. At least 2 of the Appointed Conservators/Trustees should have some practical experience of actually running businesses in those matters or closely connected to such for at least 3 years. In addition some knowledge of Land Law and Contract Law. At least 2 of these 4 Appointed should have the adequate practical experience. These Posts for Appointed Trustees should be properly advertised locally in the Press, on the Conservators/Trust's Website, and in the National Press with invitations from experienced persons qualified as above. It is not satisfactory to Appoint 4 Conservators/Trustees simply with Academic Qualifications and no Practical Experience.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

Consultation period has been too short: Consequence. People will say- "we did not know. We were'n't properly consulted". Changes too sweeping in a single questionnaire. Consequence: People found it difficult to answer properly and in detail or to see the potential political, legal and social fallout. Consultation does not address the very real fears of local ratepayers that their rights are being eroded; Consequence. Future conflict. Consultation coincides with period of public low morale & disaffection with "experts". Consequence. Low level of participation in both this consultation and any membership drives. A pity !!! It would be much boosted if the Board invites all precept payers to become members of the charity. That way we will all become stakeholders. Please consider the benefits of this.

The aims of the Trust can conflict with the desires of the local population. For example when easement is granted across common land to enable builders to access a plot that would have been protected in years gone by the ownership of the Conservatore (now the Trust). The aims of the Trust members is only the care of the Hills and making as much money as they can to keep them in good order. This can be in conflict with many residents of Malvern who see the bigger picture of their town being spoilt by over population. A smaller number of decision makers is detrimental to good sense prevailing.

Obviously with the suggestion of having more livestock on the hills and commons, should this be agreed, it will impact severely on people with physical disabilities. At the moment with not that much fenced off land it might be difficult to turn back if you could not open a gate/walk the suggested way easily/see clearly enough to follow a path you were not expecting, etc., so with more fencing that would make what should be an enjoyable time outdoors far more of a trial. I believe it would also potentially impact heavily on people with mental health difficulties - precisely those who would benefit the most from walking on the hills and commons. Stress can build up very quickly and again, if they found their way altered, couldn't open a gate easily, were worried by walking through where cattle or sheep were grazing, how they would get back, etc. then that could quickly bring on a panic attack or similar.

Same as above- professional advice should be sought.

See below Q22

See below Q22

There will be land damage at pinch points if secure fencing grids and gates are used. This has happened all over bredon hill where sheep have been secured and footfall increased on the remaining paths.

Unintended consequences: Concern as to whether a Membership Organisation might open the MHT to undue influence by pressure groups, who can be easily galvanised via social media and may have little direct knowledge of the specific nature of the Malvern Hills and Commons.

The right of estovers is being diluted. How will excluded trees be identified in 50 or 100 years time? The power to sell wood will further erode these rights as the Conservators/Trust will take the wood, as it will have value to them and local people will be prevented from using their rights. From the consultation document it is clear that the MHT is intent (in the long term) of removing Commoners Rights, especially those of estover. These ancient Rights deserve the same protection as other ancient and historic features referred to in the Consultation document.

There needs to be some restrictions included , for example while the current trust seems to have good intentions what's to stop the trust in 20 or 30 years when run by new staff, having an open air market or pop festival on the common, or fencing the areas of commons for 12 months using the animal health reason and then opening it for one day and enclosing it again.

Yes many as mentioned before, the Acts have served adequately over centuries and new clauses added to update when needed .The MHT has sufficient power at its disposal presently to create new laws to cover any present day situations that may arise, The MHT say they are not going to interfere with existing commoners rights, but to remove the right of estover seems high on the priority list, so they can take all wood for their own benefit when parishioners who are entitled to estover and cant afford heating would go cold.

**If yes, the Trust would be most grateful for your comments so that we can consider the possibility of them arising, their potential impact and how they might be appropriately mitigated (If yes, please set out details so that the Trust, the Cha...)**

1. Non-levy paying parishes would lose the representation currently afforded by a County Council appointed trustee, therefore at least one of the newly appointed trustees should act in a liaison capacity specifically for these parishes. 2. Concerned that the role of the MHT might be unduly influenced by outside pressure groups if a membership organisation were formed.

I have already given some indication of my concern over the proposed changes in my earlier responses.

I believe the proposals are quite misguided and a hitch-potch, trying to force a statutory body with levy into the mould of a charity, causing all sorts of mix ups in proposals for electing representatives who then cannot necessarily defend the interests if their electorate if that is judged to be against the interest of the charity. The mitigation is to rethink this and to modernise the statutory body through legislation. The INP proposal is convoluted and likely to raise questions of partiality and cannot be mitigated in its present form. Pleas think again.

The deterioration of the landscape. Opportunities for individuals to make money at the cost of landscape.

Damage to area ,

Major changes to nature of local area changing it a distinct heritage.

That the detailed history of the formation of the Conservators will, if the acts are conjoined, be lost within the organisation in perpetuity. Also that access to the spring water sites on the Hills will be lost to Levy payers and the general public. Please safeguard free access to the water (which I foresee will be redirected for livestock on the Hills in future.)

As mentioned earlier, I believe that some of the more open powers you wish to have written into the proposals could be abused more easily in the future - especially when considered in conjunction with the proposal for a much reduced governance body (reduced trustees) and the proposal to allow "closed door" meetings. All of these items stand in stark contrast to the historical characteristics of the MHC to date, a set of rules/bylaws which has clearly served the Malvern Hills area particularly well as evidenced by it being a predominantly unspoiled area in the UK. It would be foolhardy to jeopardise this. This is a proposal which will have a long lasting impact upon Malvern and its surrounding and as such should be carefully considered and measured. The proposal to reduce Trustee numbers is probably a reasonable proposition, but not so aggressively and not so swiftly. You may consider yourselves to be reasonable individuals, however your successors may not be so minded. A broader governance board prevents abuse and/or excess. I propose a Trustee Board of around 20 i.e. a reduction of 9 in this round with a review in 25 years.

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

The Conservators have been running for 135 years and have survived! Changes to meet modern criteria are not really necessary. I t is just trying to put a stamp on the Board that some members will find it inflates their ego.

What an excellent, well thought through and well written consultation. It has been a pleasure to read and I am optimistic that the proposed changes will put the Trust in a better position to protect this special landscape into the future.

See matter regarding the Levy above. !!!!! I made a presentation to the Conservators f gull Board on this matter about 10 years ago 2009 or 2010 with the encourarement on the then Chief Excecutive Ian Rowat who was very disappointed that my comments were "dismissed" . I was told to follow up with the then WCC member/rep, Cllr. Brigette Neilson who is now a Priory Ward MHDC councillor. But this got me nowhere other than platitudes that "current arrangements are unfair and something needs to be done". i knew and know that ( as did Ian Rowat) so now must be the time to rectify this unfair practice. And you need the income which will probably be about £100,000 a year !!!!

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

there are a couple of places in your text where you say "him/he" for a ranger, rather than "him/he or her/she". Needs a check

Having seen the way in which the Trust Executive behaved over the proposed easement along the Guarlford Road makes me believe that fewer elected members would make their executive power stronger and take it away from the people who reside and love Malvern and its open spaces.

In commenting in the negative regarding the Equality Act, I take the view that any proposals need to be balanced against the overall broad objectives and total equality is not always practical.

One ponders that you have not commented on why you think the apparently clear link with the National Trust is a bad idea. After all this would have saved the cost and effort of this consultation and provided an input of expertise you would not have to seek (as mentioned above) together with far greater possibilities of funding. They do manage the Clent Hills not far away. Thank you for your good works. Please make sure you do not inadvertently allow them to be hijacked.

A shame that this questionnaire has in places been so badly worded and inadequately numbered and that it jumps around the consultation document - it doesn't create a feeling of confidence as to what the proposed changes are really all about. Also, no clue is given about what will happen to the information or how influential it will be.

PRECEPT PAYERS HAVE NOT BEEN CONTACTED INDIVIDUALLY ABOUT THESE PROPOSALS THAT WILL AFFECT THEM AND POSSIBLY MAKE IT A LEGAL OBLIGATION FOR THEM TO MAKE PAYMENTS TO A CHARITY THAT THEY MAY NOT WISH TO SUPPORT PARTICULARLY AS THEY WILL LOSE THEIR ABILITY TO HAVE AN ELECTED REPRESENTATIVE ON THE BOARD.

Levy payers should not have their rights reduced and the Local Authority should not sanction tax without representation.

encourage hotels/pubs/restaurants etc which benefit from existence of the Trust to ensure premises are genuinely wheelchair accessible and offer genuinely accessible toilet facilities.

We are unsure about the answer to question 21 and would like to say "don't know"

Some have tried to use Equality legislation to justify further building on the hills....esp. a cable car. When considering all factors about the role of the Trust, I see no justification for any such initiative or, indeed, for a new café facility on the beacon. I was told that such projects will never be permitted. I sincerely hope that is correct.

Elected members need to be included. Too many non-elected are inappropriate.

3. Public outrage at the removal of all reference to the Malvern Hills Conservators (aka Trust) being a Public Body accountable to the Precept payers who fund them through their Council Tax. There should be 'No Taxation without Representation'. \*(the rallying-cry which led to America becoming independent from Britain).

Q22 3. Public outrage at the removal of all reference to the Malvern Hills Conservators (aka Trust) being a Public Body accountable to the Precept payers who fund them through their Council Tax. There should be 'No Taxation without Representation'. \*(the rallying-cry which led to America becoming independent from Britain).

As former conservator I have insight to its strengths/weaknesses and issues of representation.

Not qualified to judge on the first question; have made points, where there are boxes, about unintended consequences, below the relevant questions.

I suspect you have brainstormed this... but do the changes you are proposing address what you see as the potential challenges facing the Trust in the next 20-30 years? No mention of water and springs in your updated proposal. Who owns the water?, which is such an integral part of the northern hills and the growth of settlements around. Is the Trust ever consulted over planning consents for the growing use of poly-tunnels and fleece in agri-business in proximity to the hills? Does the Trust have a role in trying to preserve the iconic views from the hills, or at least some of them. Are the views mentioned at all in your Statutes?

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

Page 72 I agree that the Trust has the power to acquire the Manorial Rights of the Ecclesiastic Commissioners for England, but I do not believe that it has done so. See page 80. Page 80 In 2018, I asked the Ecclesiastic Commissioners if they are the Lords of the Manor. See email below Lord of the Manor 11 May 2018 [REDACTED] 9:53 AM (3 hours ago) Dear [REDACTED] Your enquiry has found its way to me I can confirm that the Commissioners are still the Lords of the Manor of Longdon-cum-Membris which, according to my records, Castlemorton Common is a part of. On sale of the Common in 1963 and 1965, the Commissioners reserved the mineral rights which are registered under title number WR168984 Please let me know if you have any further questions Kind Regards [REDACTED]

[REDACTED] Page 86 The Trust will be aware of the research done by [REDACTED] on the King's Third. He can be contacted through the AONB who have given him a grant. His email address is [REDACTED] Page 88 The Lordship of the Manor has been dealt with on page 80, so the % may need altering. The claim is made that there is no reason not to extend the power to make any land subject to the Acts by agreement. There is no reason given to want to do so either. This power would enable the Trust to enter into an agreement of the owner of Coombe Green Common, which adjoins Castlemorton Common, in which case all the restrictions, byelaws and responsibilities the Trust has would extend to that land. There was substantial local objection and mistrust when the Trust acquired Castlemorton Common in 1964 any 'backdoor' arrangement to extend its control over a further piece of common land would meet with a similar reaction today. The Trust was established to look after its own common land (1884 Act Section 29) and it is inappropriate to extend its powers beyond that. There is simply no need for it. If there is some reason I have missed or may not understand, then the power sought should exclude common land.

Q21 - Not as they stand. Any unintended consequences will not be apparent until Malvern Hills Trust submits detailed proposals for things like fence design, the siting and nature of access points etc.

4. Public outrage at the removal of all reference to the Malvern Hills Conservators (aka Trust) being a Public Body accountable to the Precept payers who fund them through their Council Tax. There should be 'No Taxation without Representation'. \*(the rallying-cry which led to America becoming independent from Britain).

Although I think if the spirit of these changes is followed there will be no adverse effects my 2 remaining concerns are a) that the need for additional funds does not interfere with the primary objectives b) that with a much smaller board whether it will be possible to prevent a few individuals influencing the whole board to pursue their own aims rather than those of the charity

a) The number of Board members is a sensitive issue; the precept payers need to trust The Trust. Reducing the size of the governing body by the proposed number could lead to decisions being unduly influenced by an individual officer or trustee. b) The organisation needs to be transparent and communicate well, investing in the quality of this document provides an opportunity for The Trust. Previous revisions have been re-worded without sufficient care and attention, as a result having unforeseen, long lasting consequences. Please ensure this document receives sufficient scrutiny from experts to ensure it is robust and fit for purpose. As an example, when considering sale of surplus materials, lease buildings and similar opportunities to raise revenue consider these clauses very carefully. It is one thing to sell a few surplus logs or compost, rent a building, etc., but there could be opportunity within lax wording for this to be exploited. Growing timber specifically for sale as an example which could be serious for the Hills and not as intended.

Provision should be made for access to the Malvern Hills and Commons by disabled people. That could be people in wheelchairs, people for example with a heart condition on a mobility scooter, and those who by reason of age find it less easy to climb over stiles. Provision also needs to be made for dog walkers - small dogs can be lifted over stiles but big ones cannot and in the past there has not always been room for large dogs to crawl under stiles. Bins should be provided near all car parks for depositing dog poo bags, and the remains of packed lunches!

Nobody can see into the future.

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

If number of trustees were to be reduced vital issues relating to preservation of trust land could be eroded.

I have great concerns about the costs involved in making and implementing these changes. I am very happy with the way the hills and commons are cared for at present. It appears that most changes are being made for change sake. Legislation that may be "outdated" has been that way for some time with no problem. There appears to be a large smokescreen enveloping these changes.

See attached letter.

Sadly, the publicity part of this "Public Consultation" has proved woefully inadequate. Yet the declared aim in the Introduction section was "to seek the views of everyone with an interest in the Malvern Hills" (Page 6), which aim has failed to be achieved for the majority of the over-31,000 electors who pay through their compulsory levy nearly half of the Conservators' general annual income. So the Public Consultation needs to be re-done, this time much more fully and obviously, so that the public really are made aware of the major changes to the Malvern Hills Conservators that are being proposed and of their right to have their say about them. The replacement Consultation Document should have a number of editorial changes to make it consistent and balanced (I have listed a number in my comments). The major new inclusion it requires is an indication of the costs involved, in broad ranges and for which purpose, and how they will be paid for: without knowing the likely expenditure on implementing the Scheme, how can a respondee decide whether to back it or block it ?

Congratulations on this initiative. However, I hear that a similar review is now being conducted for the National Parks in England. Would it be wise to defer this good exercise of the Malvern Hills Charity Commission Scheme until we have sight of the scheme for the National Parks? "Wildlife" appears in the objects. But specific reference to the BIRDS (raptors, swifts and woodland birds), animals and butterflies and moths would be welcome. Also reference to trees and undergrowth. Particularly a reference could be made to the RSPB and to the Woodland Trust showing that they are "partners" quite to the extent that local Councils are.

The Town Council feels unable to comment on questions 20 and 21.

You say that bridle paths are for the use of horses and pedestrians, what about cyclists?

There is no commitment to developing provision for young people to join a Trust Organisation which will inform, and provide activities for future custodians of our wonderful natural landscape. Quarrying should not be allowed and all current arrangements should end when licences expire. Reference and consideration of Climate Change is required

I have one concern, I'm not sure if this is where to raise it. It is the car parking charge. I do not have a problem with the all day charge of £4.40. It is reasonable & fair for those of us spending a few hours (or more) on the hills. How-ever, I do have concerns that there is no other charge for people staying only an hour or so. EG people with young children who tire easily or the elderly (again an hour or so is enough) Should there not be the opportunity for these people to pay for only the time they use. Afterall, some-one else will come along later & use the space they have vacated & will pay their charge.

In Section 11 The Levy, no questions were asked and I would like to comment. If this scheme cannot be used to change the levying arrangements, perhaps it could be used to give voting rights to the proposed members, and add people who have commitment and involvement in the Trust to the electorate.

"Public Consultation" so far is grossly inadequate and it has failed to live up to its promise of "seeking the views of everyone with and interest in the Malvern Hills". No costs have been provided yet but need to be given, even if in a broad range for each proposal.

The signing of bike routes is a good beginning.

The trust appears to be trying to alter the traditional rights of estovers. I believe the current trust employees, and most probably the board have the hills best interests at heart but my concern is future generations may not see things the same way, and these powers will have changed the hills for the worse, and then it will be too late.

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

The Trust has missed the opportunity to include in the scheme recognition that the Trust is a public body as well as a charity. They should consider how this might be done. One possibility would be to expand the description of its beneficiaries to read: "the public, and the precept payers of the parishes of Guarlford, Mathon and, Colwall, and of Dyson Perrins, Link, Chase, Priory and West wards.

Many of the proposed changes are wide open to abuse.

The working name of the Malvern Hills Conservators is by virtue of all the Malvern Hills Acts 1884 - 1995 is the Malvern Hills Conservators. There is no allowance made for any other name. For this reason it is impossible for me to contribute to this document, which under its "new" name, it is an illegal organisation, therefore.

A longer consultation period would be welcome

Q21 - Although there are probably some which will become obvious in retrospect.

For more inclusivity - no taxation without representation, and finding a means to communicate more effectively with the local community.

I propose a few working groups are required to explore further the items of concern raised in this submission. This is something I am fully prepared to engage in further, instead of merely grumbling. Contact details supplied. Creating a new piece of legislation, ie another malvern hills act, takes time. Might I suggest another 2 years to develop something watertight?

The proposal to adopt the name of "Malvern Hills Trust" is losing sight of the organisation's duties of conservation and its role as a Public body.

It is interesting that the residents of Castlemorton, Powick and Newland apparently do not pay the precept.

I am a lawyer. I am 54 years old. I was brought up in Malvern . As an adult I moved away due to my career but returned when my children were young as I wanted them to be brought up with the freedom and beauty I had as a child. My father was a Malvern Hills Conservator , he also was a lawyer, he commented on how it was difficult to get things done because of the ancient and cumbersome legislation - in particular the issue which arose after The Beacon Café was destroyed by fire. I am not an old fogey who doesn't want any change BUT the Hills are more important than most issues. When you start increasing your powers and trying to capitalise on your assets you create a massive bureaucratic burden. I fully accept that having to work under the present regime must be frustrating but it provides a much needed protection- you cannot act quickly, you cannot act without consensus of a large number of committed people and that is no bad thing. The Hills have survived since Victorian times because of the archaic laws enacted to protect them at that time - if you think about it they have served the Hills well. This consultation document is not user friendly .It will be interesting to see how many responses you receive. I am not convinced that this has been a proper consultation due to the nature of the document. It would also be interesting to know how much this process has cost.

I strongly oppose the Malvern Hills Conservators / Trust scheme to reduce board membership. The proposed scheme very unfairly managed with lack of publicity, and total disregard to democracy. We the precept paying local residents of 11 specific areas who largely have to fund the Malvern Hills Conservators , yet the Board appear to act on "Best practice guidelines" form the Charity commission rather than consider fully their tax paying residents. Indeed it has been alleged that some £100,000 has already been spent on the scheme prior to consultation and some additional funding will be required to complete the project! This is public money and the precept paying public have a right to know in detail the expenditure. The 11 truly elected membership should not be reduced in any way as each member would be responsible for concerns of residents to the specific area they represent.

As long as all work is carried out in accordance with The Equality Act this will lead to a modernised approach to management.

The Malvern Hills Trust are guardians of the land whose name they bear. They are equally guardians of the rights of free public access to enjoy the lands with the minimum of restriction.

Q 17. 18 & 19 not online!!! Q17 a) - disagree should not change name. b) & c) agree d) e) f) g)  
Disagree

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

In addition the Consultation Document makes no reference to the rising Pension Deficit which is fast approaching £2,000,000 and how funds are to be raised to reduce this out of income. The Accounts require complete scrutiny and/or a overhaul by at least 5 businessmen/women who can be retired or presently in business and their findings reported to all Board Members in properly convened Committee Meeting with the Public present. Finally it appears that there are serious concerns in respect of the Consultation Process itself as follows: A) There appears to be no mechanism to save the "online completed document" on to a computer system. This is not acceptable. It does not allow following the deadline at Midnight 13 October 2019 for submissions to Malvern Hills Conservators to be properly saved as a historical reference document of what has been submitted. In respect of printing this is limited to one page at a time and does not allow for more than 4 lines of written text. This situation is wholly unsatisfactory. B) It does not say who at Worcestershire County Council will be responsible for collating, processing and analysing and dealing with this. There is no "check and balance" mechanism in place to ensure impartiality and openness or proper scrutiny. C) All responses should be sent to the Department Culture Media & Sports [DCMS] and the Charity Commission. All the responses to the Consultation Document both from hard paper copies and online submissions should be published on the Conservators'/Trust's Website for Public Scrutiny though individuals names can be withheld for GDPR reasons - but not from any Elected Public Body such as a Parish Council. D) Details of my concerns in regard to A to C above should be made "Publicly" available on the Conservator's Website, for the sake of openness and transparency, by 24 October 2019 at the latest, this being 7 days before the Elections on 31 October 2019. E) The review of the Consultation Document has taken well over 6 hours and the responses set out herewith, has taken nearly 3.5 hours. That is not a "few minutes". This misleading observation is not acceptable and the premise that it will only take a few minutes is untrue.

The INP. This is the suggestion I am most wary of. It should not be possible for a tiny group of persons, unaccountable to the electorate in any way, to control the affairs of such an important public body. Consequence. The wording of any new law or instrument will be the subject of legal challenge and a headache for the Board of Trustees. Who can account for the intentions of a FUTURE executive? The checks and balances must be inserted at this point into any new legislation. over if the powers outlined in section 6 are so allowed without due respect for the timeless and historic nature of these Hills. Consequence: trivialising of the important SSSI's and AONB aims of the Trust/Board. Consequence too: Changed nature of respect for the local unbuilt environment. Concentration on financial objectives to the detriment of continuity of public experience, participation and residents' amenity and enjoyment.

I have not had time to read the whole of the detailed proposal, so I am assuming , in indicating "NO" above that his has been studied in detail. One can never cater for the law of unintended consequences until something occurs.

I would be happy to contribute further to any discussions that may be held. I see the execution of a scheme and its successful implementation as very important to the Trust's future improvement of the local environment. Properly implemented It should also contribute to much greater accountability, transparency. and engagement with local communities.

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

A) MHT is a charity and must act at all times for the benefit of the public in respect of which it is accountable to the Charity Commissioners (see Charity Commissioners Guidance C3). It is also a public body because:- (i) it was established by statute to serve a public interest, principally the preservation of land under its jurisdiction for the enjoyment of the public (ii) in pursuit of its objects MHT was granted coercive statutory powers, including the power to raise money from local Parishes and Wards and the power to make byelaws. There are no proposals to alter these powers, The Trust's website records that around 50% of the cost of managing the land under its jurisdiction is met by a levy on the ratepayers of the Wards of Malvern and the Parishes of Colwall, Guarlford and Mathon (iii) MHT is, in part, democratically accountable in that 11 of the 29 trustees are elected by the ratepayers of the wards and Parishes who pay the levy. That may change as a result of the Scheme proposed but there will nevertheless be a large number of trustees who will have been democratically elected (iv) In some of its literature MHT describes itself as a public body This is not acknowledged in the proposed Scheme Being a public body brings with it certain important legal obligation so that public confidence in it will not be eroded and reputational damage is avoided. Thus (a) it must act in a fully transparent and open way at all times (b) it must consult fully at an early and formative stage of proposals and take proper account of all representations made(c) it must act in a way which is consistent with previous similar decisions (d) meetings must be conducted properly and fairly and in public unless there are sound reasons why not (e) the maximum number of trustees should debate and make any decision by voting. Conflicts of interest or loyalty debarring trustees have to be genuine and substantial. MHT has to date been unwilling in any meaningful way to acknowledge that it is a public body and owes the above duties and to act as such, particularly over the past 18 months when a request for an easement over MHT land was made by a local landowner which would if granted have facilitated major development in the area which would have significantly affected the natural aspect of the Hills and compromised MHT's charitable objects. It must be clear in the changes contemplated that for most purposes MHT is a public body with attendant public duties It is also the case that for the above reasons MHT should be rendered subject to the Freedom of Information Act 2000 by an appropriate application to the Secretary of State B) It is far from clear that the proposed Scheme will do anything to repair the considerable reputational damage to MHT over recent years. MHT needs to earn the respect of the public, including those to whom it is democratically accountable C) the ability to make regulations as specified on page 27 of the Consultation document is far too wide D) there is no reference in the proposed Scheme to the power to grant easements as specified in Sections 7 and 7A of the 1930 Act. It is assumed that the same provisions will apply in the Scheme which consolidates and amends the Acts – please confirm. It should be made clear in the Scheme for the avoidance of doubt that in addition to the requirements of sections 7 and 7A an easement should not be granted which though it does not materially affect the land over which it is granted would nevertheless facilitate development which would materially affect the natural aspect of the Hills E) It is presumed that Natural England been consulted in view of the fact the Hills are designated an AONB? Please confirm..

**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

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please let me know the outcome of this consultation.

THAT IT BE MANDATORY THAT A MINIMUM OF ONE OF THE APPOINTED TRUSTEES BE ASSIGNED A LIAISON ROLE COVERING THOSE PARISHES WHERE THE TRUST HAS LAND - OR WHERE TRUST LAND LIES WITHIN ONE MILE OF THE BOUNDARY OF THE PARISH - BUT WHICH HOLD NO VOTING RIGHTS (ie non-levy land) (These parishes are currently represented by a County Council trustee)

The cost of this scheme, to date must be considerable, both in legal fees and their own wages. This hasn't been disclosed.

Q21 Can you foresee any possible unintended consequences of the proposed changes? - please see my concerns under previous questions.

More information needed concerning The Kings Third and the Trusts intentions concerning jurisdiction over land privately owned outlined on the map.The consultation document has very been cleverly created and published so not to give to much away .

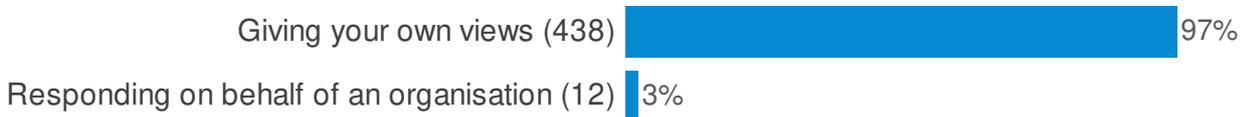
**Please use the box below if you wish to comment further (Please use the box below if you wish to comment further o...)**

Concern that the changing objectives etc would make it easier for developers easements. Accountability not clarified enough. Need to maintain elected representatives for individual wards Low density area less likely to have representation high density areas could end up making decisions for them. Independent nominations Panel can propose others nominees won't be decided by the ballot box but decided on by trustees. Committee meetings unlikely and not nec open to public. Concern about nature of Malvern Another expression heard used. Increasing democratic deficit tax payers denied operation.

Please consider extending the time span of this public consultation . Given your consultation began in 2014 - one month for the public seems a tad parsimonious!

Greater communication of activities and pivotal consultations such as this should use new technologies. It is the final day for submissions and I only found out this weekend that you needed input.

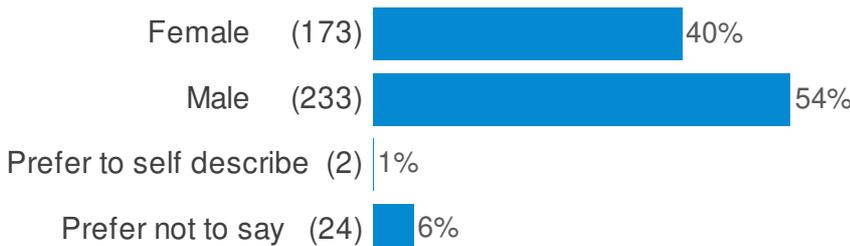
**In responding to this consultation are you...**



**What is the name of the organisation you represent?**

- Worcestershire Wildlife Trust
- National Trust
- Herefordshire and Worcestershire Earth Heritage Trust (EHT)
- Worcestershire Local Access Forum (WLAF)
- Disabled Ramblers
- The Malvern Hills District Footpath Society
- Castlemorton Parish Council
- Malvern Hills AONB Unit
- Malvern Town Council
- Herefordshire Wildlife Trust
- Guarlford Parish Council
- Malvern Cycle Sports

**Are you..?**



**Please describe in the box below**

Would love to know what relevance gender is! Wouldn't it be more productive to ask 'let us know if you might be interested in joining as a new trustee?'

**Do you agree to Malvern Hills Trust contacting you to discuss any of the points you have raised?**

