

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

Elgar Room, Council House, Malvern
Thursday 12 January 2012, 7:00 pm

Present: Mrs S Adeney, Ms J Campbell, Mr R Chamings, Mr C Cheeseman, Mr M Cordey, Mrs L Deller, Mr S Ginn, Mr R Hall-Jones, Mr D Hawkins, Mr P Hughes, Miss R Massey, Mr T Musgrove (Chair), Mrs E Newman, Mrs G Rees, Mr C Rouse, Mrs H Stace, Mr D Street, Mr P Tuthill, Mr P Watson, Mr T Yapp.

In attendance: Director, Administrative Officer, Conservation Officer, Financial Consultant, and 5 members of the public.

1. APOLOGIES FOR ABSENCE

Mr B Pilcher, Mr D Baldwin, Mr C Smith, Mr J Plant, Mr P Watts, Mr J Tretheway.
Mr T Musgrove Chaired the meeting in Mr B Pilcher's absence.

2. CHAIRMAN'S ANNOUNCEMENTS

Welcome to a new Board Member. Mr T Musgrove welcomed Mr Peter Hughes who is Worcestershire County Council's new nominated member after the retirement of Dr B Smith.

The Directors Successor Working Party. The recruitment process is underway, and an advertisement has been placed in several places and websites.

Register of Members' Declaration of Interests. This is a control that was agreed by the last Board and members were reminded to fill in the requisite form. It was confirmed that councillors should also complete a form.

Trustees' Workshop. Members are invited to a workshop which is hoped to become a regular forum where members can exchange ideas, get to know each other and the Malvern Hills Conservators' environment. The workshop is not a decision making forum but is intended as an opportunity to swap and share information. Thoughts and ideas to be discussed at the workshop are being sought and members are asked please to forward any items for discussion to the Chairman. The initial date for the first workshop was to be the 9th February 2012 however, as this now clashes with a key event in the process to replace the Director, the exact date is yet to be confirmed.

3. PUBLIC QUESTIONS

One question had been received however the Board were informed that the matter was being dealt with in a satisfactory manner so the question has been withdrawn.

4. DECLARATIONS OF INTEREST

Mr C Rouse declared an interest in the Higher Level Stewardship Scheme.

Mr T Musgrove reminded members that an interest can be declared during the course of the meeting if necessary.

5. TO CONFIRM MINUTES OF THE MEETING OF THE BOARD HELD ON 10 NOVEMBER 2011

Mr T Musgrove presented the report and proposed its adoption. It was **AGREED** that the minutes of the meeting be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING FROM THE BOARD MEETING

15.5 Inquiry Committee. Mr P Tuthill stated that during the meeting of the 10th November 2011, the Board voted that Mr B Pilcher be chair of the Inquiry Committee, but that subsequently the chairmanship of this Committee has passed to another person and that this does not follow Standing Orders. Mr T Musgrove stated that Mr B Pilcher chaired the first meeting of the Inquiry Committee during which Mr B Pilcher declared a prejudicial interest arising from Mr B Pilcher's involvement during the St Ann's Well Cafe lease renewal. As a prejudicial interest would require exclusion from some Committee discussions, Mr B Pilcher's chairmanship of this Committee was therefore impractical. In light of this, the Inquiry Committee voted that Rev'd C Attwood replace Mr B Pilcher as chairman of the Inquiry Committee and that Mr B Pilcher may attend Committee meetings where any prejudicial interest does not preclude it.

A discussion ensued. The following points were raised:

- The Inquiry Committee members have requested that the Board ratify Rev'd C Attwood as chairman of the Committee and that the Board formally recognise the dissolution of the previous Inquiry Committee.
- The wording of the original motion of 10th November states only that Mr B Pilcher would be *ideally placed* to chair the Committee.
- If a person has a conflict of interest that person should stand down as chairman.
- A decision of the Board should stand for 6 months.
- Mr B Pilcher fulfilled his obligation to the Board and adhered to Standing Orders as he chaired the first meeting of the Inquiry Committee before standing down.
- The members of the Inquiry Committee were selected from new members of the Board to ensure there was no previous history, involvement or prejudice towards or regarding the St Ann's Well Cafe lease renewal.

On the proposal of Mr P Watson, seconded by Mr D Hawkins, it was **UNANIMOUSLY AGREED** that Rev'd C Attwood be ratified as chairman of the Inquiry Committee and that the Board recognises the dissolution of the previous Inquiry Committee.

Mrs L Deller, speaking on behalf of Rev'd C Attwood, expressed thanks to the members of the previous Inquiry Committee.

7. TO CONFIRM THE MINUTES OF THE SPECIAL MEETING OF THE BOARD HELD ON 1 DECEMBER 2011

Mr T Musgrove presented the report and proposed its adoption. It was **AGREED** that the minutes of the meeting be **CONFIRMED** and **SIGNED** as a true and correct record.

8. MATTERS ARISING FROM THE SPECIAL BOARD MEETING

None.

9. TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES

9.1 LAND MANAGEMENT – REPORT 1.

Mrs H Stace presented the report of the Land Management Committee of 24th November 2011 and proposed its adoption with the following amendments:

- Item 6.4 refers to quarry fencing at Tank Quarry and North Quarry.
- Item 9 the amendment referring to fencing around the Mill Pond dam was proposed by Mr R Cousins not Mr R Chamings.

Arising

9.1.1 9. Mill Pond dam. The Conservation Officer stated that we are awaiting the final report from Stillwaters Associates and they have been appointed to produce a full brief of works and design and to help manage the project. A topographical survey will be completed and the design will follow after topographical information has been received. The draft report stated that some of the work was to be completed by the end of December however this has now been extended into 2012. The Conservation Officer confirmed that our risks were being managed and we were proceeding as quickly as possible and offered documentation for members to view at their convenience.

On the proposal of Mrs H Stace, seconded by Mr D Hawkins, the minutes of the meeting were **ADOPTED** as a true and correct record.

9.2 LAND MANAGEMENT – REPORT 2.

Mrs H Stace presented the report of the Special Meeting of the Land Management Committee held on 10th November 2011.

Arising

Mrs H Stace confirmed that any amendments to the draft response to the South Worcestershire Development Plan had been collated into the final response lodged with Malvern Hills District Council. Mrs H Stace confirmed that comments made by Mr R Hall-Jones had been taken into account and the response had been amended particularly with regard to the section about proposed development at Newlands. Comments made by Mr P Tuthill regarding the financial benefit of development to the community had not fully been taken into account but Mrs H Stace questioned whether support for development was within the duties of the Malvern Hills Conservators and expressed concern that support for development may be considered *ultra vires*.

On the proposal of Mrs H Stace, seconded by Mrs S Adeney, the minutes of the meeting were **ADOPTED** as a true and correct record.

9.3 ADMINISTRATION & RESOURCES.

Mr P Tuthill presented the report of the Administration and Resources Committee meeting held on 1st December 2011 and highlighted several topics that had been agreed during the Administration and Resources Committee meeting for the benefit of members.

Arising

9.3.1 12. Budget for the year ending 31 March 2013. Mr P Tuthill informed members that the attachments circulated with the Board Meeting Agenda were updates of financial information previous circulated and that this would be discussed in 9.3.4.

9.3.2 9. Pension Fund Working Party. Mr T Musgrove confirmed that he had volunteered to sit on the Pension Fund Working Party. Mr P Tuthill called for other volunteers. Mr P Watson volunteered. Mr P Tuthill stated that Worcestershire County Council produces a pension fund actuary report every three years that summarises the position and includes a recovery

programme. Mrs S Adeney suggested that absent members of the Board should be given the opportunity to volunteer to sit on the Pension Fund Working Party. This was **AGREED**.

9.3.3 10. The Director's Successor Working Party. Mr P Tuthill outlined the timetable for the recruitment process. The Director confirmed that the timetable will be sent to members. Mrs J Campbell suggested that unsuccessful candidates should be thanked for their application as a matter of courtesy.

9.3.4 12. General Fund Budget and setting the Levy for the year ending 31 March 2013. Mr P Tuthill outlined the issues surrounding the salary increase, and the setting of the levy which resulted in two options being tabled before the Board; a 3% increase and a 5.4% increase. Mr P Tuthill stated that the past two years saw the levy remain static and that as more houses had been built during that time the amount payable by each household had effectively dropped. Mr P Watson stated that the 5.4% option came from the rate of inflation, and that therefore the increase in real terms was only 2%. A full and wide ranging discussion ensued including the following points:

- The Charity Commission recommends that a charitable body hold 6 months expenditure as reserves on its unrestricted funds and that presently the Board hold approximately 4 months.
- The Restricted Fund has legal restrictions placed upon it as set out in the Malvern Hills Conservators Acts; therefore these funds can only be used for capital projects and can not be used for general expenditure. Any interest generated by Restricted Funds rolls over into the Fund and therefore has the same restrictions.
- Concerns were raised over potentially negative publicity if the levy was raised by 5.4%.
- The option of a named vote for this decision was discussed but the point was made that this was not a political issue but an economic decision.
- The Director confirmed that monies that come from other areas such as Defra are designated and can not be used for the running costs of the organisation. Local areas such as Powick, Newland and Castlemorton do not pay the precept but Worcestershire County Council gives £8,900 to help maintain these areas.
- Concerns were expressed about the pension fund deficit and the need to be prudent. It was noted that the difference between 3% increase and 5.4% increase on a Band D property is £27.09 as opposed to £27.72. The amount during 2009-2010 was £26.93; therefore the increase is less than £1 per household.

Mr P Tuthill proposed a named vote on this issue which was seconded by Mrs L Deller. The proposal **FAILED** by 2 votes for, 17 against with 1 abstention.

It was **NOTED** that the revised figures supplied to illustrate the variance between the 3% option and the 5.4% option did not form part of the original minutes of the Administration and Resources Committee meeting and therefore to vote on the revised figures would require a separate vote from the vote to adopt the minutes as a true and correct record.

On the proposal of Mr R Hall-Jones seconded by Mr C Rouse it was **AGREED** by 16 votes to 2 abstentions that the recommendation of the precept level to be set at 5.4% be voted on separately from the remainder of the report.

The recommendation that the precept be levied at 5.4% was **CARRIED** by 11 for to 7 votes against with 1 abstention.

Mr T Musgrove moved that the remainder of the minutes of the meeting held on 1st December 2011 be adopted as a true and correct record. This was **UNANIMOUSLY AGREED**.

9.4 INQUIRY COMMITTEE – REPORT 1

Mrs J Campbell presented the report of 2nd December 2011 and stated that the Inquiry is still in the early stages and that a timeline had not been established. Members were encouraged to contact Rev'd C Attwood if there were any queries. On the proposal of Mrs J Campbell, seconded by Mrs L Deller the minutes were **ADOPTED** as a true and correct record.

Arising

None.

9.5 INQUIRY COMMITTEE – VERBAL REPORT

Mr T Musgrove gave a verbal report of the meeting held on 12th January 2012 directly prior to the Board meeting.

Mr T Musgrove confirmed that the Inquiry Committee will request an initial budget of £5,000 from a Special Meeting of the Board to be convened as soon as possible. The 4 members of the Inquiry Committee exercised their right to call the Special meeting under Standing Orders item 1.4. The sum of £5,000 would be utilised to cover legal, professional and secretarial work deemed necessary to fulfil the terms of reference of the Inquiry Committee. Mr T Musgrove further stated that Rev'd C Attwood requests a discussion with the Director's Successor Working Party ahead of the appointment process.

A discussion ensued regarding the size of the requested budget. Members of the Inquiry Committee provided an overview of the processes for gathering factual information, the details of which will be included in the minutes of the meeting. The Director stressed that information for the Inquiry Committee should be addressed to the Inquiry Committee and / or a special email address should be set up to maintain the Committee's independence.

10 TO RECEIVE REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

10.1 MALVERN SPA ASSOCIATION

Mr P Watson presented the following report:

The Malvern Spa Association held its Christmas Party and it was a great success, with a performance provided by Colla Voce.

There has been some progress of the re-positioning of Jacob's Well in the Malvern Theatre. It is currently hidden at the back of the restaurant. It is being proposed that it is re-sited next to the stairs leading down to the restaurant and bar.

Well Dressing plans for May are progressing, themes to be discussed at the next meeting. Also, there is a presentation of well dressing techniques.

It has been reported that enquiries are being made to supply the Holywell Malvern Water to the Queen.

There is a dragonfly talk on the 13th February by Mr Peter Garner at the Lyttleton Well. All welcome, please contact Mr R Roberts for details.

Finally, I have never seen the Dripping Well to cease dripping in over 30 years of walking the hills. It just shows how dry our area has been.

10.2 MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

The Director stated Dr B Smith rang to ask the Director to brief the Board on his behalf. The Director advised the Board that the AONB had drafted a response to the South Worcestershire Development Plan. The AONB are working on an Orchard project and Gloucestershire, Herefordshire and Worcestershire AONB's are hoping to gain funding through DEFRA. The AONB reported its mid-term review of the Management Plan. There is also a report on the Sustainable Development Fund.

10.2.1 APPOINTMENT OF MHC REPRESENTATIVE

On the proposal of Mrs H Stace, seconded by Mr T Musgrove Mrs G Rees was duly **ELECTED** the Board's representative on the AONB JAC.

11 URGENT BUSINESS

None.

12. INFORMATION

12.1 STAFF BIOGRAPHIES

Mr T Musgrove thanked staff members for submitting their biographies.

12.2 MANAGEMENT REPORT

The Director presented his report which was **NOTED**.

Arising

- It was noted that the volunteers undertook apple tree pruning with Wade Muggleton, not Wade Muddleton.
- The Conservation Officer responded to a question about the Outdoor Wireless Technology Company and explained that small boxes placed at strategic locations would provide wifi for users, but assured the Board that more information was needed.
- The Conservation Officer responded to a question by confirming that at present there are 5 graziers with stock on Castlemorton as one person recently left the grazing programme. The state of the Common is being assessed and if necessary livestock can be removed from the Common when ground conditions warrant this. However, the more livestock grazing on the Common the less the scrub encroaches on the land.
- Mr T Musgrove stated that the position will be clarified regarding the rules and legality of Board members providing a professional service to the Board.

The meeting closed at 8:55 pm.