

Inquiry Committee

Elgar Room, Council House, Malvern

Thursday 12 January 2012 at 6:00 pm

Present: Rev'd C Attwood (Chair), Mrs J Campbell, Mrs L Deller, Mr T Musgrove (Ex Officio).

In Attendance: Administrative Officer, Mrs S Adeney, Mr R Chamings, Mr K Douglas, Mr D Hawkins, Mr T Yapp, Mr P Watson, and 5 members of the public.

1. Apologies for Absence

Mr B Pilcher.

2. Declarations of Interest

None.

3. Minutes of the last meeting

The Chairman of the Inquiry Committee presented the report of the meeting held on 2nd December 2011 and proposed its adoption as a true and accurate record. This was **UNANAMOUSLY AGREED.**

Matters arising

The Chairman asked Mr T Musgrove as Vice Chairman of the Board, to report on behalf of the Inquiry Committee two points to members at the Board Meeting due to commence directly after this Inquiry Committee Meeting:

1. That the stepping down of Mr B Pilcher from the position of Chair of the Inquiry Committee and the subsequent appointment of Rev'd C Attwood to Chairman be ratified by the Board.
2. That the Board recognised that there had been a previous Inquiry Committee that had reported to the Board, and that the previous Committee had since been dissolved and replaced with the current Inquiry Committee and that the Board recognise and ratify the position of the current Inquiry Committee. Rev'd C Attwood extended his thanks to the previous Inquiry Committee.

4. Legal Advice

Rev'd C Attwood declared a personal interest due to a member of Rev'd Attwood's family being the senior partner at Kingsley Napley, the firm of London solicitors who are providing legal advice to the Inquiry Committee. Kingsley Napley reiterated that the Inquiry must be taken seriously and that in the interests of fairness procedures must be right. Advice will be forthcoming in letter form from Kingsley Napley that will state that all evidence should be public in the public domain except for exempt items. The lawyers have given advice on how the Inquiry Committee could be shaped and what responsibilities the Committee has and will on

request provide information on what is, or is not, appropriate for the public arena. Invitations for public submissions will be worded carefully. Adam Chapman (Public Law lawyer with Kingsley Napley) has provided a table of fees at a greatly reduced rate if the Inquiry Committee require his specialist services in the future. The fees are £275 per hour plus VAT or fees for advice from a colleague at £200 per hour plus VAT. Legal advice may be needed to protect individuals or to assist the Inquiry Committee in its work.

Mr K Douglas stated that Mr Adam Chapman has vast experience and has been involved in public inquiries in the past. It was suggested that members look at Mr Chapman's curriculum vitae on the internet.

5. Shape of the process

Rev'd C Attwood stated that the Committee must have access to appropriate documentation and confirmed that information presently available in the Board office has been scanned into an electronic format but that it must now be catalogued by order / provenance. Two points were raised:

1. Some secretarial work needs to be done to allow the Committee to have timely access to material.
2. All documents must be available to the public as it is a public inquiry therefore documents must be able to be easily accessed.

Rev'd C Attwood stated that other documentation from Harrison Clark will also be made available with the exception of personal notes. Written submissions for evidence will be asked for initially, after which time oral submissions may or may not be invited. Any oral submissions will be made in public with protection and restrictions in place to ensure adherence to the law. Once the Committee has met the first of its Terms of Reference (understanding the events surrounding St Ann's Well Cafe lease renewal) in factual terms, it is possible that personal opinions may also be sought from those parties involved as to appropriate ways forward. Any opinions will be in the public arena.

The Committee will then present their understanding of what happened, (to meet the first Terms of Reference), then suggest how governance may be improved and any other suggestions arising from their work (the second Terms of Reference).

6. Next moves in the process

Rev'd C Attwood stated that the Committee needs to acquaint itself with the scanned material and any other documentation and that the cataloguing of material will start shortly. The Committee will invite written statements of evidence to be submitted and to encourage this, the Committee will write to every present member of the Board and also members of the previous board, as well as any interested parties such as the tenant. However as the Inquiry is public anyone may submit a written factual statement of evidence. The procedures for submitting statements will be as follows:

1. An invitation to submit a statement will be advertised in the local press and on the Malvern Hills Conservators' website.

2. Persons interested in submitting a statement will be asked to write to the Chairman of the Inquiry Committee at Manor House in the first instance.
3. On receiving such a communication, the Chairman of the Committee will send a letter of invitation to submit a statement of evidence. The letter of invitation will be carefully worded and informed by any legal advice the Committee has or will have received. The letter of invitation will contain the Terms of Reference and will state that any submissions must be factual and not opinion.
4. Statement of evidence submissions will be viewed by the Committee before being uploaded to the MHC website, except where content is libellous or otherwise illegally damaging to individuals or organisations. The website will provide access for the public to view scanned documents.
5. When submissions have been received, the Committee will if necessary contact individuals to ask questions or to ascertain a greater understanding of a particular issue or point of fact. Individuals have the right of no reply but any lack of verification will reflect on the questioned item.
6. Confidentiality issues will be judged on merit and advice will be sought where necessary. As the Committee must work within the Malvern Hills Conservators' Acts, some information may be exempt from public disclosure.
7. There is no obligation for an individual to respond to an invitation to submit a statement.

In the interests of fairness and openness, the Chairman invited members of the public to ask the Inquiry Committee questions of at the end of any Committee meeting.

7. Budget

Rev'd C Attwood stated that the Inquiry will incur some costs as the Board had previously been informed (e.g. for travel, administrative costs and legal advice) and proposed that the Committee request that the Board approve an initial budget of £5,000.

It was further stated that the Committee will act prudently as significant funds have already been spent,. It was in the interest of the Committee members not to be profligate with their own funds. However to ensure the Inquiry is completed in a serious, complete and professional manner a budget will be required. Any further adjustments to budget will be brought to the Board. A discussion ensued about the level of the budget. It was noted that any funds spent were an investment in the future as the outcome of the Inquiry will instigate positive changes within the organisation's governance.

On the proposal of Rev'd C Attwood, seconded by Mrs J Campbell it was **UNANIMOUSLY AGREED** that the Inquiry Committee request an initial budget of £5,000 at a Special Meeting of the Board.

Rev'd C Attwood commented that the opportunity to talk with Director's Successor Working Party /Appointment Committee to discuss interview questions would be beneficial to the Inquiry Committee. This is because the Committee's Terms of Reference include ensuring effective governance and therefore the person who is offered the post of Director will need to have certain competencies to assist in this process.

8. Date of next meeting

Rev'd C Attwood stated that the timing of the next Committee meeting should be after letters of invitation for submitting statements of evidence have been sent out. Therefore the date of the next meeting will be published in due course. The timing of the meeting will be such that the Inquiry Committee will allow enough time to place items on the agenda of the next Board meeting.

9. Public Questions

A member of the public asked if volunteers could help work on the administrative tasks to catalogue documents or assist in a secretarial role. It was **NOTED** that this should be considered.

A member of the public observed that the focus of the Committee should be the examination of the Conservators' conduct during the St Ann's Well Cafe lease renewal dispute.

The meeting closed 6:55 pm.