

# BOARD MEETING MINUTES

12 July 2007 7 pm

Priory Lodge Hall Avenue Road Malvern

---

Present:- Mrs S Adeney, Mr R Hall-Jones, Mr A Myatt, Mr A Phillips, Mr. J Plant, Mr R Roberts, Mr C Rouse, Dr B Smith, Ms H Stace, Mrs S Thetford, Mr R Thomas, Mr J Tretheway (Chairman), Mr J Webb, Mr B Wilcock.

In attendance:- The Director, Administrative Officer, Conservation Officer, Financial Consultant.

**1. APOLOGIES FOR ABSENCE.** Mr M Cordey, Mr A Macmillan, Mr D Masters, Mr B Pilcher, Mrs P Raven, Mr W Watts, Mrs J Wildin.

## **2. CHAIRMAN'S ANNOUNCEMENTS.**

2.1 Richard Witcomb. It was with great sadness the Chairman reported the death of Conservator Richard Witcomb. Mr Witcomb had been the member for Priory Ward since 1999 and during that time had served as Vice Chairman of the Land Management Committee and Chairman of the Wildlife Panel. His knowledge of ecology generally and in particular ornithology was of great value to the work of the Malvern Hills Conservators. He had 17 years of monitoring Flycatchers and Redstarts and introduced a nest box scheme on the southern Hills. This research is currently being computerised by his son Mark and the study will contribute to the knowledge of birds on the Malvern Hills. As stated in the report of the Administration & Resources Committee the Breeding Birds of the Malvern Hills book will be dedicated to Mr Witcomb. Members held a minute's silence in his memory.

2.2 Member appointed by Colwall Parish Council. Members were advised that Mr John Mills had resigned from the Board and that Colwall Parish Council had appointed Ms Helen Stace as his successor. The Chairman welcomed Ms Stace and wished her an enjoyable time on the Board. A letter had been sent to Mr. Mills by the Chairman thanking him for his contribution to the MHC's work.

2.3 'The Forest and Chase of Malvern'. The Chairman advised that this publication written by Pamela Hurle was now available and recommended it as a most interesting history of the area and of the Malvern Hills Conservators.

2.4 Three Counties Show. On behalf of members the Chairman thanked his Vice Chairman, Mr Ray Roberts, for all his work in organising the stand at the show, ably assisted by Mr Richard Thomas and Mr Dudley Brook.

## **3. PUBLIC QUESTIONS.**

3.1 Ms P Burgess. On behalf of Ms Burgess who was unable to attend the meeting Ms Pritchard asked the following three questions on her behalf as listed below, together with the Chairman's response:-

Question 1. "How many sheep and lambs will be sold in 2007 and when will this take place?"

Answer: *The number was not yet known.*

Question 2. "How many sheep and lambs were sold in 2006?"

Answer: *In the financial year to 31 March 2007 155 lambs, 60 ewes and 2 rams were sold.*

Question 3. "I have recently found out that several letters of objections to the sale of ewe lambs were submitted to the last full Board meeting. Why was only one read out at the meeting?"

*Answer: It is not MHC policy to read every letter received. Any letters that asked for it to be brought to the attention of the Board were. Every letter that comes to the office is answered. Roughly thirty items of correspondence, either by letters or e-mails are received per day.*

**4. DECLARATIONS OF INTEREST.** None.

**5. CONFIRMATION OF MINUTES.** It was **AGREED** on the proposal of Mrs Thetford, seconded by Mr Wilcock, that the Minutes of the meeting held on the 10 May 2007 should be **CONFIRMED** and **SIGNED** as a true and correct record.

**6. MATTERS ARISING.**

6.1 7.1.1 Car Park Security. The Director advised that this matter had not yet gone to Court and therefore no settlement for damages had been reached. This was **NOTED**.

6.2 7.1.2 Selling Ewe Lambs as Breeding Stock. The Chairman advised that the Board had received a further 27 signatures to the petition reported at the last meeting. This was **NOTED**.

6.3 9. Land at Castlemorton. As advised in the committee reports the Chairman reported that the Board had been successful in acquiring 0.12 acres of land off New Road, Castlemorton, subject to contract. This was **NOTED**.

6.4 10.2 Three Counties Show 2007. Mr Roberts gave his report on the MHC stand that had attracted 1277 visitors. The theme was walking, both for health and to show visitors how to avoid the Honey Pot areas. As an additional attraction Pamela Hurle had been invited to do book signing for her latest publication 'The Forest and Chase of Malvern'. As a result of the sales, Mrs. Hurle had made a donation of £80.00 to the Board. Mr. Roberts thanked his fellow members of the sub-committee, Richard Thomas, Andrew Myatt and Dudley Brook and everyone else who had helped with the organisation and manning of the stand. This was **NOTED**.

**7. COMMITTEE REPORTS.**

7.1 LAND MANAGEMENT. Mrs Thetford presented the following report of the meeting held on the 7 June 2007 and moved its adoption. This was seconded by Mr Roberts.

**LAND MANAGEMENT COMMITTEE**

**Thursday 7 June 2007 Manor House Malvern 2 p.m.**

Present:- Mrs S Adeney, Mr A J Phillips, Mr B J M Pilcher, Mr R Roberts, Mr C Rouse, Mrs S Thetford (Chairman), Mr J A Tretheway.

In attendance:- Administrative Officer, Conservation Officer, Ian Butler (Lemur Trainee), two members of the public.

**1. APOLOGIES FOR ABSENCE.** Mr R Thomas, Mr W Watts, Mr J Webb.

**2. DECLARATIONS OF INTEREST.** Mr Pilcher declared an interest in items 15. and 16.

**3. CHAIRMAN'S COMMUNICATIONS.**

3.1 Mr Richard Witcomb. It was with great sadness that members received the news that Conservator Richard Witcomb had passed away on Wednesday, 6 June. The Chairman advised that

a Thanksgiving Service to celebrate Richard's life would be held at Malvern College Chapel at 2.15 p.m. on Friday 15 June. The Chairman of the Board advised that on behalf of members he had sent a letter of condolence to Mrs Witcomb and the family.

3.2 Agenda item 4 – Presentation. The Chairman reported that following the circulation of the Agenda the office had been notified that as copyright and patent issues were still pending, she had been asked that the presentation be taken in committee. The Chairman therefore proposed that the public be excluded from the next Agenda item and items 15 and 16 to be held at the end of the meeting as publicity would be prejudicial to the public interest as the matters to be discussed were confidential. This was **AGREED**.

**4. PRESENTATION ON A POSSIBLE COMMUNITY EVENT DURING 2009.** Taken in committee.

**5. MATTERS ARISING FROM THE MEETING HELD ON THE 12 APRIL 2007.**

5.1 5. Tank Quarry. The Conservation Officer advised that following a site meeting he had attended with the Chairman of the Committee, Director and Operations Manager it was agreed that the fencing should be replaced. A quotation for this work would therefore be obtained and a decision then made whether the Field Staff or contractors should carry out this work. This was **NOTED**.

5.2 9. Water Features. In answer to queries raised at the last meeting regarding the Hayslad Spring, members were shown a sketch of how the new bifurcating spout would look in situ and the Conservation Officer advised that:-

- The flow of the spout was controlled automatically further upstream
- Severn Trent had advised that each of the nozzles of the bifurcating spout should have an internal diameter of three-quarters of an inch to allow for the controlled flow and this specification had been built into the contract with the blacksmith.

This was **NOTED**.

**6. COMMUNITY EVENT 2009.** The presentation and the Director's report were noted and it was **AGREED** to recommend that the ideas were approved in principle but that no final decision was made until the problems with copyright and patents was cleared and the scheme could be discussed in open session.

**7. INAUGURAL MEETING OF THE 4CS.** This was **NOTED**.

**8. PARKING FOR PEOPLE WITH DISABILITIES ON THE MALVERN HILLS.** Members considered the Director's report and it was **UNANIMOUSLY AGREED** on the proposal of Mr. Pilcher, seconded by Mr. Tretheway, to recommend to the Board that Blue Badge holders should be exempt from paying in Malvern Hills Conservators' car parks and that signage be adjusted accordingly.

**9. MIDDLE CAR PARK AT GARDINERS QUARRY.** The Director's report was noted and it was **UNANIMOUSLY AGREED** on the proposal of Mr. Tretheway, seconded by Mr. Pilcher, to continue with the existing system only replacing the stones with a wooden barrier that could be closed off by Wardens in the winter months.

**10. POOLBROOK VILLAGE HALL.** The Conservation Officer presented the report prepared by the Director and advised that further information had been received from the Village Hall Committee that there were approximately 70/80 vehicle movements per week. This was noted and on the proposal of Mr. Tretheway, seconded by Mr. Pilcher, it was **UNANIMOUSLY AGREED** that the Committee approve the request from Poolbrook Village Hall Committee to tarmac their easement across the Common.

**11. WASTE REGULATIONS.** The Conservation Officer presented his report and stated his intention to seek professional advice on the management of waste under the new legislation. This was **NOTED**.

**12. WORK CARRIED OUT DURING THE WINTER OF 2006/07.** The Conservation Officer gave members a presentation on the practical work carried out during the winter on managing the scrub

and advised members that there had been a record number of nesting birds recorded in the areas where habitat management had taken place. This was **NOTED** with appreciation.

**13. INVESTIGATING NATIONAL TRUST GRAZING AGREEMENTS WITH FARMERS.** The Conservation Officer presented his report and reminded members that the grazing project was there as a pump primer for local farmers to take up their grazing rights again to ensure a sustainable future for the Commons and to safeguard this culturally important tradition. This had been successful with the whole of the central section of the Hills and some areas of Castlemorton Commons, but other areas were not grazed at all. He felt that it would be useful to see how other organisations such as The National Trust solved the problem of creating a sustainable grazing resource on common land. He therefore recommended that members agree that the appropriate visits were arranged to National Trust properties to explore the issues. This was **UNANIMOUSLY AGREED**. It was noted that the Director had therefore arranged for members to visit a tenanted National Trust farm at Aldsworth, Cheltenham on Thursday, 27 September 2007. Members were asked to advise the office by the 21 June if they wished to go on this visit so that transport arrangements could be made.

**14. INFORMATION.**

14.1 The Patch, New Road, Castlemorton. The Administrative Officer reported that the Conservators had been successful in acquiring the 0.12 acres of amenity land situated on the Common for £16,000.00. This was **NOTED**.

It was proposed by Mr. Tretheway, seconded by Mr. Pilcher, that the public be excluded from the remainder of the meeting as publicity would be prejudicial to the public interest as the matters to be discussed were confidential. This was **AGREED**.

The meeting closed at 4.56 p.m.

The report, including items 4, 15 and 16 taken in committee, was **CARRIED**.

7.2 ADMINISTRATION & RESOURCES. Mr Wilcock presented the following report of the meeting held on the 21 June 2007 and moved its adoption. This was seconded by Mr Myatt.

**ADMINISTRATION & RESOURCES COMMITTEE  
21 June 2007 at 7.30 p.m.**

Present:- Mr M K Cordey, Mr A K C Macmillan, Mr A Myatt, Mr R Roberts, Mr P Rumney, Dr B G Smith, Mr J A Tretheway, Mr B A Wilcock (Chairman).

In attendance:- Director, Administrative Officer, Finance Assistant, Mrs S Thetford.

**1. APOLOGIES FOR ABSENCE.** Mr R Hall-Jones, Prof J Raine, Financial Consultant.

**2. DECLARATIONS OF INTEREST.** None.

**3. CHAIRMAN'S COMMUNICATIONS.** It was with deep regret and great sadness the Chairman recorded the death of Conservator, Richard Witcomb. His passing was a great loss to the Board and deepest sympathy was extended to Mr Witcomb's family.

**4. MATTERS ARISING FROM THE MEETING HELD ON THE 28 APRIL 2007.**

4.1 7. Funding for the Breeding Bird Book. In view of his interest and the extensive work he carried out in the field of ornithology over many years, members recommended that the book be dedicated to Richard Witcomb.

4.2 Grazing Project Costs. Members were circulated with the figures for the grazing project for the year to 31 March 2007 that had previously been supplied to Mr. Masters, together with a note of the percentage of the Field Staff's time given to the project which amounted to 16.7% (£21,710) charged to the General Fund. This was **NOTED**.

**5. MANAGEMENT ACCOUNTS FOR THE YEAR TO 31 MARCH 2007.** These were **NOTED**.

Members were reminded that a court case had been brought by the Isle of Wight Council v HM Revenue & Customs for the repayment of VAT on parking income. As a result of this case the Conservators' VAT Consultant had made a claim on behalf of the Conservators on a 'no gain, no fee' basis. In the absence of the Financial Consultant notification had been received from HM Revenue & Customs that following the High Court ruling on the Isle of Wight tribunal case, the latest claim made on the Conservators' behalf would not be processed and stating that if we did not agree with the decision an appeal needed to be lodged. If an appeal was lodged, the consultant would make a charge for the work up to a maximum of £1,000.00. If successful the amount of VAT that could be recovered would be in excess of £64,000. This was noted and it was **UNANIMOUSLY AGREED** that further action be delegated to the Financial Consultant in consultation with the Chairman of the Committee.

At the request of Mr. Macmillan, it was **AGREED** to circulate a previous report setting out the benefits to the Conservators from being a registered charity.

**6. TRUSTEES ANNUAL REPORT AND ACCOUNTS.** The Chairman presented the Annual Report and Accounts for the year ended 31 March 2007, prepared by the Financial Consultant that carried an unqualified report from the Auditors. This was noted and on the proposal of Dr. Smith, seconded by Mr. Tretheway, it was **UNANIMOUSLY AGREED** to recommend to the Board that they be adopted and the Chairman signed the Auditor's letter of confirmation.

**7. MANAGING WASTE AND RECYCLING.** The Director presented his report on steps being taken to manage waste. This was **NOTED**.

**8. INFORMATION POINT.** In his report the Director updated members on the current situation regarding Rose Bank Gardens and asked members for their views to the Conservators' involvement in the proposed information point. It was **UNANIMOUSLY AGREED** on the suggestion of the Chairman, seconded by Dr. Smith, to support the construction of an information point and to share in financing the project to ensure that MHC have an appropriate input into the contents of the material.

Discussion took place on the siting of the information point and possible vandalism. Members were advised that it was the intention to open up the whole area so that it could be clearly seen from the town to encourage people to use the gardens and to discourage anti-social behaviour. This was noted.

**9. PARKING FOR PEOPLE WITH DISABILITIES.** It was **UNANIMOUSLY AGREED** to accept the financial implications in the Land Management Committee's recommendation to exempt blue badge holders from paying in Conservators' car parks.

#### **10. INFORMATION.**

10.1 The Patch, Castlemorton. The Director reported that following the decision at the last Board meeting to bid for 0.12 acres of land at Castlemorton, he was pleased to report the Conservators had been successful in acquiring the land for £16,000, subject to contract. This was **NOTED**.

On the proposal of the Chairman it was **UNANIMOUSLY AGREED** that the public be excluded from the remainder of the meeting as the matter to be discussed was confidential as it concerned individual members of staff.

The meeting closed at 8.52 p.m.

#### Arising.

7.2.1 5. Management Accounts. The Chairman advised that he had spoken with the Financial Consultant and it had been agreed to appeal against HM Revenue & Customs decision. This was **NOTED**.

The report was **CARRIED**.

#### **8. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.**

8.1 Malvern Spa Association. Mr Roberts reported that members of the Association had made a visit to Coca-Cola Bottling Plant and enjoyed a 2.5 mile guided walk around the central Hills with James Ferguson. Members had also manned a stand in Malvern Priory as part of the "Malvern in Bloom" week. The work to the Clock Tower had been hampered by the inclement weather and a planning application had been submitted to change the colour of the gates from black to green and gold or just green. This was **NOTED**.

8.2 Great Malvern Town Centre Partnership. Mr Roberts reported that matters discussed at the meeting held on the 22 June had included the trees on Belle Vue Island, the Library forecourt, Royal Mail Post Office site, traffic management for Church Street, the reopening of Edith Walk Toilets and Rose Bank Gardens restoration. The Town Centre Co-ordinator, Anthony Collis, had given a positive report on developments taking place in Gt Malvern. It was also proposed, following the success of the Malvern Walking Festival to promote Malvern as a Walker-Friendly Town. Paul Squires of the Civic Trust gave an update on the progress of the High Street UK project and of which Mr Roberts was a member of both the Co-ordination and Design Groups. This was **NOTED**.

8.3 Malvern Hills AONB Joint Advisory Committee. Dr. Smith reported on the meeting of the JAC held on the 18 May 2007. In view of the changes in membership following the local government elections and in particular the loss of the Chairman for the last 15 years, Mr Ted Roberts, a number of decisions were held in abeyance until the full body was in place. Presentations were however received from Natural England on the European Landscape Convention, the Malvern Hills Coppice Network Project funded by the Sustainable Development Fund and the Geopark Way. A booklet describing the 70 mile walk was to be launched in spring of 2008. Discussion had also taken place on monitoring the action contained in the AONB Management Plan and requesting partners to report actions they had done or intended to do. This was **NOTED**.

**9. URGENT BUSINESS.** None.

## **10. INFORMATION.**

10.1 Management Plan. The Director presented his following report.

### **MANAGEMENT REPORT**

**DATE: 12 JULY 2007**

#### DIRECTOR

- Attended Hartpury College as a member of Vocational Panel advising on content of Environment and Wildlife Courses
- Attended Common Land Forum meeting and gave a presentation on the Malvern Hills Conservators
- Attended Powick Parish Council meeting
- Advised National Trust on path erosion on Clent Hills
- Hosted Access & Conservation Meeting with Government Agencies and local bodies
- Attended Open Spaces Society AGM
- Represented MHC in 'Malvern in Bloom'

#### CONSERVATION OFFICER

- Advisory visit to St. Josephs Primary School
- Attended Bio-fuels visit
- Arranged wildlife training for field staff
- 3 Environmental Stewardship meetings
- Planning application for Upper Wyche quarry
- Hosted site visit for Malvern in Bloom

## FIELD STAFF

- ❑ Mowing and strimming of commons, roadside verges and hill paths
- ❑ Electric gate and The Pleck now operational
- ❑ Cleared back low overhanging boughs along Holywell Road
- ❑ Bracken rolling various areas
- ❑ Felled dead Horse Chestnut tree on Link Common
- ❑ Replaced plank seats along De Walden Drive
- ❑ Began repairs to British Camp tarmac path
- ❑ Cleared two oak trees fallen over at Hollybush Roughs and cleared paths above Eaton Road blocked by fallen trees
- ❑ Helped with setting up and dismantling stand at Three Counties Show
- ❑ Moved cattle from North Hill to End Hill
- ❑ Sheep shorn on 21 June
- ❑ Repaired damaged stone meter surround at Gardiners Quarry
- ❑ Unblocked numerous drains during recent storms
- ❑ Sheep numbers at 5 July 2007

Ewes	140
Lambs	138
Last year's lambs	50
Rams	6

## WARDENS

- Conservation group have met five times: Old Hollow thistle clearance, Hollybed Common pond clearance, Hayslad Bog bracken clearance, Swinyard Flush bracken bruising, British Camp bracken clearance.
- 1 edition of Beacon Newsletter
- All car parks strimmed
- Attended Worcestershire Wardens Partnership meeting
- 4 ongoing boundary disputes
- Padlocks replaced at Gullet barrier and gate on Hollybush Roughs
- Byelaw incidents:-

Vandalism	2
Flytipping	3
Unauthorised parking	15
Camping	25
Camp fires	4
Driving on common	2
Unauthorised planting	1
Vehicles for sale on common	2
Mini Motos	2
Vandalism	2 (Swinyard meter, coin slot broken)
	(Lifebuoy at Gullet used to start fire)
Burnt out car	1 (Accidental fire)
Unauthorised signs on common	14

## CONTRACTORS

- ❑ Adrian Hope Tree Services made safe a Lime tree at Newland

## STAFF

- ❑ Josh Loader and Antony Griffiths have joined the Field Staff on a temporary basis during the summer

## ADMINISTRATION

- ❑ Attended meetings with staff at Malvern Hills District Council and Herefordshire Council re elections
- ❑ Board's seal attached to Deed of Grant confirming access to 107 Poolbrook Road
- ❑ Lease of Little Malvern land completed
- ❑ 6 Planning applications looked at and comments made on 3
- ❑ Site visit with Tony Skelsey (Surveyor) to Castlemorton to look at boundaries re application to Land Registry

- Attended Common Land Forum meeting

This was **NOTED**. The Conservation Officer updated members on the Stewardship Application and advised that a full report would be presented at the next meeting of the Land Management Committee.

10.2 Water Leak Wells Road, Malvern. The Director reported that for approximately 2/3 weeks water had been seeping down the common onto the Wells Road. Severn Trent Water had been contacted and had first stated that it was a leak from their Pumping Station and later that it was from a spring and therefore not their responsibility. He therefore took the decision to hire a JCB to try and locate the source of the problem and this exposed an old pipe which resulted in a 20 feet high fountain of water for which Severn Trent ultimately took responsibility and repair work was continuing at the site. This was noted and Mr. Wilcock, seconded by the Chairman, proposed that the Board makes representation to Ofwat. This was **UNANIMOUSLY AGREED**.

10.3 Radio 4 – Open Country Programme. The Conservation Officer advised that Radio 4 were producing an Open Country programme on the Malvern Hills. The programme would be broadcast on the 18 August at 6 a.m. and repeated the following Thursday at 1.30 p.m. It would feature Nigel Hand, a member of the Wildlife Panel, archaeological and geological experts, Trevor Bayliss, a grazier on the Hills, and himself. This was **NOTED**.

The meeting closed at 8.56 p.m.