

MALVERN HILLS CONSERVATORS ANNUAL MEETING OF THE BOARD

12 November 2009 7 pm

Priory Lodge Hall Avenue Road Malvern

Present:- Mrs S Adeney, Mr R Chamings, Mr C Cheeseman, Mr R Hall-Jones, Dr T Hunt, Mrs J Kelly, Mr M Morgan, Mr A Myatt, Mr B Pilcher, Mr A Phillips, Mr J Plant, Mr R Roberts (Chairman), Mr C Rouse, Mr C Smith, Mr J Smith, Mr P Tuthill, Mr D Watkins, Mr P Watson, Mr P Watts, Mr B Wilcock.

In attendance:- The Director, Administrative Officer, Conservation Officer, Finance Assistant and 35 members of the public.

1. APOLOGIES FOR ABSENCE. Mr M Cordey, Mrs B Nielsen, Dr B Smith, Mr M Soley, Mrs H Stace, Mrs S Thetford, Mr W Watts.

2. ANNUAL REPORT OF CHAIRMAN FOR THE PREVIOUS YEAR. Mr Roberts presented his report as follows:-

My second year as Chairman has been memorable for many reasons. Just as we entered, what was our 125th year of Conservation, the world was hit by the huge financial crisis. Fortunately our past prudence paid off and we came through it all unscathed, however it did make us review our future investment policy and diversify our funds, pending a thorough review next year.

Our 125th Anniversary Malvern Gazette supplement has been a wonderful opportunity to connect with local people, also both BBC and ITV have given us excellent TV coverage during the year. It was particularly satisfying to see our staff rise to the occasion as stars of BBC's Countryfile programme. The Three Counties Show continues to be a major event in the Conservators' year and focused the theme this year on 'Conservation 125' May I thank all those members of the Board, staff and snake expert, Nigel Hand, for giving up their time to assist with the Stand.

As I commented last year, after over 6 years of highs and lows, the Heritage Lottery Grant reached a climax and the work was completed as predicted by the end of the year. The Cattle Grids are now fully functioning as planned and grazing is being extended in that area. Our work with Malvern Spa Association, and the local AONB, has also gone extremely well. All the planned work on restoration of the eight Water Features on our land has now reached final fruition. Back in December 2005 the first of the eight spring restorations to be completed on Hills Conservators land was St. Ann's Well. This was a major and costly undertaking and involved repairs, rebuilds and restoration work to the pond, the cascade, the side spring and the trough. There was also major work done to the terraces and garden. This included resurfacing the roadway with a special surface as well as replacing the seats and tables. The current lease of St Ann's Well Café ceases at the end of March 2010 and the decision was made to manage the Café ourselves in future. We have no intention to alter the ambience of the Café but for it to be open and available to walkers, visitors and the increasing number of sponsored walkers, at the times that are convenient to them and to have information available to enhance their experience. In years past the café on the Worcestershire Beacon catered for parties of people on many special days of the year, often with late night suppers and/or early morning breakfasts, maybe St Ann's Well will be able to fill that gap in the future.

I am pleased to see that the Higher Level Stewardship grazing project on the Northern and Middle Hills is well established. The application for Stewardship for the Southern Hills and Castlemorton Common is well advanced and we are hoping to get equally good results there.

Our project to obtain Land Registry title to all land managed by us is now very close to being finalized, during the last 12 months another 4 titles have been registered and the last three are now getting close to completion.

It is wonderful to see so many members of the public taking such an active and enthusiastic interest in our work, both as members of our volunteer force (now celebrating its 10th year), and the recently inaugurated Recreation Advisory Panel. Our office staff have been very ably assisted by two volunteer ladies who help with routine work such as answering the phone and dealing with visitors. Amongst other things the organization has been actively involved in Malvern Walking Festival, Walkers are Welcome and Malvern in Bloom. I feel that these regular contacts with outside groups of local people are of great value to us all, as there is direct feedback both ways.

For over 110 years the Toposcope on Worcestershire Beacon has been regularly getting misted up in bad weather and needed frequent cleaning. At long last we have found a company who were able to laminate a new disk between two sheets of special glass. This should be in place very shortly. It is expected to reduce the time spent on maintenance and give visitors to the Beacon a much better experience.

Costs have been rising over the years, however, in these difficult times we were determined to keep the levy increase to the absolute minimum. Each year this annual levy, paid by local householders has risen, but only by the cost of living index. For the past 10 years there was no equivalent increase in car parking charges. We felt that it was time to redress the balance by increasing our all-day/any-park fee by £1, and the annual visitor charge by £5. There is to be no increase for the cost of the local residents annual car parking concession.

The issue of Representation, as well as who should pay the annual levy, has come to the fore yet again. This time it has been brought up as a question from a member of the public at one of our bi-monthly Board Meetings. We have explained that it is not in our power to alter; however, a meeting has been arranged for representatives to meet the Chief Executive of Worcestershire County Council early next year for discussions.

Looking forward, I am very hopeful that many of the matters I have discussed above will come to fruition in the last 12 months of my Chairmanship and I would like to thank my fellow Board Members for their support and to our staff for their continuing hard work.

3. MEMBERSHIP OF COMMITTEES FOR THE YEAR TO 31 OCTOBER 2010.

Administration & Resources

Cordey, M
Hall-Jones, R
Morgan, M
Myatt, A
Nielsen, Mrs B
Roberts, R (ex-officio)
Smith, B
Smith, C (ex-officio)
Smith, J
Soley, M
Stockton, R
Tuthill, P
Watkins, D
Watson, P
Watts, P
Wilcock, B

Land Management

Adeney, Mrs S
Chamings, R
Cheeseman, C
Hunt, T
Kelly, Mrs J
Phillips, A
Pilcher, B
Plant, J
Roberts, R (ex-officio)
Rouse, C
Smith, C (ex-officio)
Stace, Mrs H
Thetford, Mrs S
Watts, W

4. ELECTION OF MEMBERS TO SERVE ON OUTSIDE BODIES FOR THE YEAR TO 31 OCTOBER 2010.

4.1 Malvern Hills AONB Joint Advisory Committee. Dr Smith – re-elected.

4.2 Malvern Spa Association. Mr Roberts – re-elected.

5. APPOINTMENT OF MEMBERS TO THE 4CS (CASTLEMORTON COMMONS CO-ORDINATING COMMITTEE). On being put to the vote Mr Chamings and Mrs Thetford were elected to represent the Board on the Committee for the forthcoming year.

6. APPOINTMENT OF MEMBERS TO THE RECREATION ADVISORY PANEL. Mr Chamings, Mr Pilcher, Mr Roberts and Mrs Thetford were re-elected to serve on the Panel for the forthcoming year.

7. APPOINTMENT OF MEMBERS TO THE WILDLIFE PANEL. Mrs Adeney, Mrs Stace, Mrs Thetford and Mr Watson were re-elected to serve on the Panel for the forthcoming year.

8. CHAIRMAN'S ANNOUNCEMENTS. None.

9. PUBLIC QUESTIONS. Six members of the public asked 26 questions regarding the Board's plans following the decision to terminate the lease at the end of its current term and to take over the management of St Ann's Well Café as follows:-

9.1 MR STEVE PRICE - ST ANN'S WELL PROJECT

1) Is there a business plan and can we see it?

When the legal outcome is more certain the Malvern Hills Conservators will make their plans available to the public, we have commissioned a study that will bring ideas for the building for public consultation. We are also undertaking a carbon energy audit for the building. Before any manager is appointed as part of the interview process the applicants will have to produce a Business Plan.

2) How will any losses be paid for?

When the business plan is prepared the potential will become clearer. It won't be intended to make a loss and performance will be continuously monitored.

3) Do the Conservators believe this is a good use of local tax payers money?

The Conservators have to look at the long term benefits of their assets and a fresh approach to the management of St Ann's Well will confer both benefits to the town as well as visitors to the Hills. St Ann's Well has the potential to be a greater asset to all in the community.

4) Can we see the results of any public consultation? If there was no public consultation who came up with the idea?

Because of the nature of the legal process we are not able to enter into consultation on the future of St Ann's Well until we have an outcome.

5) Will the public objection to the removal of the current proprietor have any affect on the Conservators plans?

We refer you to the answer to Jacky Carey's question..

9.2 MR PETER MCNALLY – ST ANN'S WELL

What do the Conservators mean by the distinction between visitors needs and commercial needs?

We recognise that to offer a service to all the community may require a different approach than hither to. We intend to work with the community and users to see how we can maximize the potential of the café and yet widen its appeal.

9.3 MRS RUTH MCNALLY – ST ANN'S WELL

How can the Conservators justify turning out the present tenant from both his job and home when no funding for changes has been secured –presumably with no funding there can be no changes?

The capital fund can be used to fund capital improvements and grants can be applied for when actual plans have been prepared.

9.4 MR M G TAYLOR ON BEHALF OF ST ANN'S WELL SUPPORTERS GROUP

1. Can the Conservators explain why there is no mention of the Well in last week's twelve page Gazette supplement, given its importance to Malvern's heritage and their future plans?

It was not appropriate as actual plans have not yet been prepared.

2. Do any plans for St Ann's Well exist and if so, when were they initially proposed and who specifically proposed them?

Conservators do have an outline of facts and possibilities but no firm plans have been produced.

- 2.1 If there are plans; what are they exactly, how long have detailed plans existed, what are the costings and why have the public not been consulted?

As above

- 2.2 If there are no specific plans, why does Beverley Nielsen refer to 'exciting plans' in her letter to the Gazette: 'A Conservators View'?

Beverley Nielsen is on the St Ann's Well Working Party that is looking into options and keeping up to date on the responses from those that have written in. The exciting plans are, as yet, in the form of ideas.

3. Is tourism within the remit of the Conservators' mandate?

The Acts do recognise suitable provision to meet the convenience and requirements of the public in the light of present day circumstances. In the Forward Strategy the Conservators agreed to work in partnership with the Town for the benefit of Malvern and this is an obvious way of doing this.

- 3.1 If yes, where is this defined in the Malvern Hills Acts and why did Mr Rowat say that it isn't in the Conservators' mandate during the Access and Information Committee meeting of 31 August 2006?

The Director did indeed say tourism was not a remit. However that did not mean that initiatives such as the Walking Festival and other related initiatives could not be supported. The Malvern Hills receive over 1 million visits a year and our duty is to keep the land as an open space and manage the provide for the visitors that come to enjoy the Hills.

- 3.2 If no, why are the Conservators planning to run a café, which is clearly a tourism related activity?

As above.

4. Do the Conservators plan to close the Well to be closed during any development and for how long?

During any alterations to the building the facilities to the public would in so far as health and safety allow remain open.

4.1 How much have the Conservators calculated that the proposed project will cost the tax payer? What is the budget exactly (with or without grant funding)?

The budget has not been finalised until the extent of the work is known. There will be no increase in levy to fund the project. Money will come from capital funds and from grants.

4.2 The Board's minutes show that difficulties in obtaining funding and permissions for the restoration work to St Ann's Gardens led to the project taking 6 years and as a consequence a cost overrun of £22k occurred. What assurance can the Conservators give that this will not happen again with the proposed development?

The Heritage Lottery Project was under the direction of the AONB Partnership. Many HLF projects overrun their time. Again there was no extra cost to the levy payer except limited amounts for garden maintenance which came out of existing budgets.

5. In detail, how is it proposed to provide disabled access to the Octagon Room?

Preliminary discussions have taken place with the Conservation Officer of Malvern Hills District Council and when detailed plans are brought forward we are confident that together a solution will be found.

6. Why is it necessary to remove Mr Redman and destroy his business in order to fulfil their plans (if they exist)?

Because of the legal procedure we cannot discuss this at this time.

7. What are the breaches of the lease conditions that Mr Redman has supposedly committed (given that he waives his right to confidentiality to allow this question to be answered)?

It is not a matter of confidentiality, it is the advice from our solicitor that it would be prejudicial.

8. Which legislation gives the Conservators the right to run a café? – please quote the relevant text(s) from the legislation.

This has been quoted in reply to Mr Redman's question.

9. In light of the public outcry, the petition and the Facebook group; are the Conservators prepared to reach a compromise regarding their plans for the Well and enter into discussions with Mr Redman, so that they can work together with him to improve facilities for all? Can the Conservators explain their public policy regarding this matter?

The Conservators position is quite clear, they are proceeding with the legal process to terminate the tenancy.

10. Why have the Conservators publicly criticised Mr Redman's opening hours, when he opens longer hours than required by the lease?

We are saying that the café should be available around the visitors' needs.

11. How many ecologists work for the Conservators?

The Director has a biology degree as well as 34 years in Countryside Management. The full time Conservation Officer has some ten years experience working for Wildlife Trusts and a conservation advisor ADAS. All staff working in the field have at least NVQ level 2 competences. The staff are advised by the government bodies such as Natural England and English Heritage in addition a panel of wildlife specialists advise on wildlife.

12. Do the Conservators consider that the type of food served in a café lies within their mandate? If so, could they disclose the relevant legislation?

The message we are getting is that visitors to the café want simple locally sourced wholesome food, with both vegetarian and other choices. In letting the contract for the Manager this will form the basis of future provision.

13. Why don't the Conservators fit electronic time locks and an external security camera on the toilets, like those at the Wyche?

Happy to look into this, the Conservators took on the refurbishment of all three toilets on the Hills using their capital fund and have had excellent reports on their improvements.

14. Why has there been no attempt to discuss any aspect of the plans directly with Mr Redman to date, given the amount of support in the community for him and his many years of experience managing the Well?

Sorry we cannot go into the issues surrounding the tenant at this time.

15. Given that the Conservators commissioned a report into the provision of transport for the elderly and disabled to the Well in 2006, which stated that it is impractical on safety grounds, why has Beverley Nielsen stated in her letter that transport will be provided next month? Please provide a copy of the report.

The report you refer to was for what is referred to as a Dotto train which consists of a tractor cab and carriages. The result of the Risk Assessment indicated that certain procedures needed to be in place before such a venture was undertaken. We are looking into a more practical type of vehicle which doesn't need such a large turning circle to take people from the town to St Ann's Well. When we have a proposal that works and fits the purpose we will bring that forward in the public domain.

16. According to the 1999-2000 Visitor Survey prepared by the Heart of England Tourist Board for the Malvern Hills AONB Joint Advisory Committee, over 3 quarters (78%) of the respondents stated they had no intention of using any information whilst staying in the AONB. For those using information, the majority (12%) used the Tourist Information Centre. Can the Conservators produce evidence to support that there is a requirement for a visitor centre at St Ann's Well?

The Conservators have floated the idea of using the Octagon Room which is a public building and should be open to the public. What the public space is to be used for can be open to public consultation. The Conservators favour information being available on the geology, biology of the Hills and may be this might encourage more local schools to appreciate and enjoy the Hills. There is no intention to try and provide an additional Tourist Information Centre.

17. As a registered charity and levy charging authority, do the Conservators agree that it is most appropriate that they invest their resources and energy on their core duties rather than fulfilling the aims and objectives of outside bodies when those aims are beyond the Conservators remit?

The primary purpose for the Malvern Hills Conservators will always be to manage the Hills. However that does not preclude, when the opportunity exists, to provide and invest in and to realise the full potential of schemes such as St Ann's Well.

9.5 MR J T REDMAN – ST ANN'S WELL

In my view it is far from clear that the Conservators have any express power to operate a café at St Ann's Well. Please specify what legislative provision gives the Conservators the power to run a café on their land?

Both the 1930 and 1995 Malvern Hills Acts recognise the need for the Conservators to make provision for persons visiting the Hills for recreation and enjoyment. There is nothing in the Acts that prevent the Conservators from running the café. They did employ a manager at St Ann's Well in the 1960s and there is therefore a precedent for what is now being considered.

With regard to MHC being a registered charity, we have received advice and there does not appear to be any bar on MHC trading from St Ann's Well.

9.6 JACKIE CAREY – ST ANN'S WELL

On reading the comments people have left when signing the online petition, the many letters to the Malvern Gazette (both published in the paper and on their website) and comments on the Facebook Group, it is obvious that there is a great deal of public appreciation and support for John Redman and his style of managing the St Ann's Well Café. Thousands of people – Malvern residents and visitors alike – have indicated that they wish the Café to stay the way it is. Do the Conservators intend to address these people's wishes in their plans for the café's future?

We will take the petition into consideration and balance the views from the public who have an interest in St Ann's Well. Also from comments on the petition website it appears that some people mistakenly think the intention is to close the well/café completely.

The Chairman advised that a letter had been received from Ms Lenni Sykes posing several questions with regard to St Ann's Well. As Ms Sykes had been unable to attend the meeting to put her questions, he would be answering by letter.

10. DECLARATIONS OF INTEREST. None.

11. CONFIRMATION OF MINUTES. On the proposal of Mr C Smith, seconded by Mr Wilcock, it was **AGREED** that the Minutes of the meeting held on the 10 September 2009 should be **CONFIRMED** and **SIGNED** as a true and correct record.

12. MATTERS ARISING.

12.1 7.1.1 Lime Tree Avenues on Link Common. Mr C Smith reported that he had contacted a representative of Worcestershire County Council Highways Department who had agreed to find out the name of the officer responsible for the trees in an attempt to expedite matters. This was **NOTED**.

12.2 7.1.2 Malvern Gazette Insert. Mrs Adeney congratulated those involved in the production of the insert and was pleased to see that sufficient advertising had been secured to make it a viable proposition. The Director advised that he had written to all the advertisers thanking them for their support.

12.3 7.1.3 Higher Level Stewardship Scheme – progress on the Southern Hills. In answer to a question the Conservation Officer reported that he had had the maps from the Rural Payments Agency and was expecting an application form forthwith. This was **NOTED**.

12.4 7.2.3 Toposcope. The Chairman advised that as soon as the special sealant had been received, the new toposcope plate would be installed. This would necessitate it being off site for a few days. This was **NOTED**.

13. COMMITTEE REPORTS.

13.1 LAND MANAGEMENT. In the absence of Mrs Thetford, the Vice Chairman, Dr Hunt presented the report of the meeting held on the 8 October 2009 and moved its adoption. This was seconded by Mr C Smith and **CARRIED**.

13.2 ADMINISTRATION & RESOURCES. Mr Wilcock presented the report of the meeting held on the 15 October 2009 and moved its adoption. This was seconded by Mr Myatt.

Arising.

13.2.1 5. Worcestershire County Council Contribution. The Director reported that he and Mrs Nielsen would be meeting with the Chief Executive on the 5 February 2010. This was **NOTED**.

The report was **CARRIED**.

14. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.

14.1 Malvern Spa Association. Mr Roberts reported that there had been two meetings of the MSA committee since the last Board and the major project discussed was the possibility of finding a suitable building as a water heritage museum for Malvern. Other events that had taken place included a walk around the Beacon, the Annual Dinner at the Wellington Inn, official ceremony celebrating the restoration of Lord Sandys Spout and an interesting talk on Druidry and its relationship with water.

14.2 Malvern Hills AONB Joint Advisory Committee. In the absence of Dr Smith no report was received.

15. URGENT BUSINESS. None.

16. INFORMATION.

16.1 Management Report. The Director presented his report which was **NOTED**.

MANAGEMENT REPORT

12 NOVEMBER 2009

CHAIRMAN

- ❖ Visit T4Design, Nottingham regarding Toposcope
- ❖ Attended opening of Malvern Tilla restaurant, Link Top.
- ❖ Attended Malvern Spa Association Annual Dinner
- ❖ Attended two MSA committee meetings
- ❖ With the Director and Beverley Nielsen attended meeting with John Murphy, Editor of the Malvern Gazette
- ❖ Attended Gt. Malvern Remembrance Day Parade & Service

DIRECTOR

- Met with Herefordshire Highways staff to reduce the number of plastic bollards along Evendine Lane.
- Met with Tony Atkinson of The Map Shop to look at copyright issues surrounding a walks route for the website.
- Met with the Conservation Officer at MHDC to discuss how listed building requirements at St Ann's Well Café fit within access for the public to the Octagon Room.
- Met with Community Forest volunteers to see if they can carry out work on our Community Woodland.
- Attended AONB study tour.
- Signed off the completed works of refurbishment of the Wyche toilets.

CONSERVATION OFFICER

- ❖ Completed Capital Works Schedule for Shire Ditch repair.
- ❖ Attended two meetings with Natural England.
- ❖ Attended meeting with Rural Payments Agency about mapping MHC land correctly.
- ❖ Attended three meetings with contractors re fencing Ballard Land and Wyche Quarry.
- ❖ Attended two meetings with graziers.
- ❖ Attended Geology Event
- ❖ Led a guided walk for the Worcestershire Wardens on the grazing on the Hills.

FIELD STAFF

- Ditch clearing Castlemorton around the Bowling Green.
- Mowing main commons.
- Cut and collect at Malvern Common and Townsend Way.
- Gathered sheep off the Hill for treatment to cure parasites.
- Clearing leaves from water course at Happy Valley and carried out maintenance work.
- Clearing leaves from various locations.
- Scrub clearing at Castlemorton.
- Sheep Numbers at 5 November 2009

Ewes	166
Lambs	33
Rams	4

CONTRACTORS

- Completed rewiring and earthing of electricity at 34 Wyche Road.
- Improvements to the cycle track across Link Common and tarmac path at Old Hills.
- Cleared ditches on Guarlford Straight.

WARDENS

- 6 Conservation Days held
- Attended Worcestershire Wardens Partnership meeting.
- Together with 10 volunteers attended 'Thank You' Event at Hartlebury Common and Museum arranged by the Worcestershire Wardens Partnership.
- Group from Coca Cola, Colwall carried out conservation work on Hangman's Hill as part of their sustainability commitment.
- Attended Voluntary Wardens' meeting.
- The Wardens and 50 young adults from a Church group carried out a litter pick on three commons.
- Organised a walk attended by 13 Volunteers led by Conservation Officer on North Hill to look at grazing.
- Produced winter work plan for Wardens and Voluntary Site Wardens.
- Produced Conservation Projects lists for November and December 2009.
- Byelaw Offences:

Flytipping	5
Abandoned cars	1
Mountain bikers on footpaths	20
Unauthorised signs	9
Unauthorised parking	11
Encroachment	1
Camper Vans parking overnight	7
Unauthorised work by Utilities	3

TRAINING

Robin Hill and Matt Gardner attended a First Aid refresher course.

ADMINISTRATION

- ❖ Board's seal attached to Deed of Grant for underground drainage pipe at Clevelode for Basket Weavers Cottage.
- ❖ 5 Planning applications looked at.

The Chairman closed the meeting at 8.10 pm.

Unless there were any pertinent developments in the intervening period, the Minutes of the Special Meeting of the Board held on the 30 September 2009 would be included on the Agenda for the January meeting of the Board.