

MALVERN HILLS CONSERVATORS

MEETING OF THE BOARD

11 March 2010 7 pm

Elgar Room The Council House Malvern

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

In attendance:- Director, Administrative Officer, Conservation Officer, Finance Assistant, 15 members of the public.

1. APOLOGIES FOR ABSENCE. Mr A Phillips, Mrs S Thetford.

2. CHAIRMAN'S ANNOUNCEMENTS. None.

3. PUBLIC QUESTIONS. Questions were received from Mr Stephen Price and Mr Martin Taylor. The questions and the Chairman's response are published as an appendix to the Minutes.

The Chairman noted that most of the questions referred specifically to the Malvern Hills Conservators. However as a public body the Board had adopted the standards of local government. He also advised that questions do not only have to be put to the Board, enquiries can be made at the office, by letter or e-mail or put to your local member.

4. DECLARATIONS OF INTEREST.

Mr C Smith declared a non-prejudicial interest as he was now a member of the Malvern Hills AONB Joint Advisory Committee

Mr C Rouse declared a personal interest in matters relating to the Higher Level Stewardship Scheme

5. 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 14 January 2010 should be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING.

6.1 6.2 Higher Level Stewardship Scheme. In answer to a question the Conservation Officer reported that the start date for the scheme on the Southern Hills and Castlemorton Common was the 1 April 2010. An open day for the Southern Hills took place on the 4 March attended by seven potential graziers. The deadline for tenders was the 18 March.

With regard to the state of Castlemorton Common by the encroachment of scrub and cattle damage, the Conservation Officer, whilst sharing the concern, advised that a programme to clear the scrub by 30% would be included in the Scheme. The terms of the contract to be entered into by graziers in order to benefit from the funds would include a requirement to take cattle off the common during periods when this would cause unacceptable damage to the ground.

6.2 6.4 Worcestershire County Council Contribution. Mrs Nielsen reported on the meeting she and the Director had attended with the Chief Executive of Worcestershire County Council when discussion had taken place on its contribution to the Board's funds. There

was a willingness by the Chief Executive to consider the issue and Mrs Nielsen was progressing discussions with the County Council.

7. COMMITTEE REPORTS.

7.1 LAND MANAGEMENT. Mr Rouse presented the report of the meeting held on the 4 February 2010 and moved its adoption. This was seconded by Dr Hunt.

Arising.

7.1.1 6. Capital Improvements at the Mill Pond. The Conservation Officer advised that his meetings with local people had established that they did not want fishing platforms but they were in favour of the reed beds. He therefore intended to proceed with the work of putting in the reed beds.

7.1.2 9.(b) AONB Potential funding - Path study and demonstration section. The Director advised that he had been in contact with Clent Hills and had provisionally arranged Conservators to visit on Wednesday, 7 July at 1.30 pm. Five members expressed an interest in making the visit.

7.1.3 10. Impact of Snow on Operations. The Director advised that to date no public liability claims had been received as a result of the snow.

7.1.4 11.3 Planning Application for 3 Wind Turbines at Brockeridge, Twyning. Mrs Adeney advised that unfortunately she had had to leave before the end of the meeting but had she been there would have voted against the motion.

The report was **CARRIED UNANIMOUSLY**.

7.2 ADMINISTRATION & RESOURCES. The Chairman presented the report of the meeting held on the 25 February 2010 and moved its adoption. This was seconded by Mr Myatt.

Arising.

7.2.1 8. Distribution of Board and Committee Reports. Whilst concern was expressed at the practicalities of providing Agendas and reports by e-mail in PDF format, it was agreed to accept the recommendation which would be for a trial period of six months.

7.2.2 9. Ice Cream Concession. The Administrative Officer reported that a tender had not been received for the concession to sell coffee and hot chocolate by the closing date 26 February. However during the opening of the tenders, which was attended by the Chairman of the Board, it was noted that two sites at North Malvern Car Park and the Old Hills had not been included in any of the tenders. In the circumstances it was decided to send out another invitation to those operators who had previously expressed an interest for those two sites with a closing date of the 19 March. This was **NOTED**.

The report was **CARRIED**.

8. REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES.

8.1 Malvern Spa Association. Mr Roberts reported that since the last meeting one committee meeting had been cancelled and a talk on Gloucestershire Holy Wells had had to be postponed due to bad weather. The theme for this year's Well Dressing would be 'Celebrations'.

8.2 Malvern Hills AONB Joint Advisory Committee. Dr Smith reported on the meeting of the JAC held on the 12 February. This included interesting discussions on Environmental Stewardship, good practice guide on horse pasture management, hedgerow survey, wind farms and encouraging utility companies to place electricity cables underground.

9. URGENT BUSINESS. None.

10. INFORMATION.

10.1 Director's Report. The Director presented his report which was **NOTED**. It was **AGREED** that a paper on the Malvern Community Forest Group would be brought to the next meeting of the Land Management Committee.

10.2 Old Railway Yard, Peachfield Road, Malvern. The Chairman reported that no negotiations or contact with Landmarque had taken place in recent months.

On the proposal of the Chairman, seconded by Mr Hall-Jones, it was **AGREED** that the remainder of the meeting should be taken in committee as a committee of the Board had resolved that this should be treated as confidential as it concerned legal matters and contracts which were confidential items under the Board's Code of Conduct.

This meeting closed at 9.45 pm.

APPENDIX TO MINUTES OF THE BOARD MEETING HELD ON THE 11 MARCH 2010

3.1. Mr Stephen Price asked the following questions which were answered by the Chairman:-

1 At what level of conflict of interest do the conservators feel it is time to call a halt to any plans?

Fully dealt with in section 2 of the MHC Code of Conduct. Depending on the level of conflict of interest members either just declare it, take no part in the debate and/or do not vote.

2 It doesn't take a lot of investigation into the local political scene to find close relationships between organisations and people with clear mutual interests.

Some co-operation between local organisations must be a good for Malvern rather than sinister!

3 Considering the close links between certain members of the Conservators and certain other organisations when is the cut off point for say a local shop owner or associates with these links able to take over the running of aspects of St Ann's Well.

Can you assure us that there are no conflicts of interest in this matter, and further to this there will not be any in the future?

Members of the Board receive no remuneration of any kind. Members of the Board are not allowed to make any financial profit from work with or for the board.

My other questions relate to the tourism remit of the Conservators.

4 To what extent are the Conservators responsible for the encouragement of tourists to the area? Is it actually part of the job of the Conservators to encourage visitors to the hills, considering the wear and tear to the paths and other problems such as fire and livestock attacks? What benefit does it have to conservation?

(1884) Preserve the Hills as an open space for the enjoyment of the public

(1930) Construct public conveniences.

Create parking areas.

Licence up to three refreshment stalls.

Make paths and ways.

Make Byelaws for visitor management.

(1930) . . . the Malvern Hills have been widely known and admired for their natural beauty and have formed a centre of attraction to the inhabitants of the counties of Worcester and Hereford and to a largely increasing number of visitors coming from all parts of the country for the purposes of health recreation and enjoyment and the prosperity and development of the district depend upon the preservation of the amenities of the Malvern Hills:

(1995) Increase the number of refreshment stalls permitted on their land from three to six.

5 More importantly is there anything in the Conservators constitution that allows them to spend time and money on promoting the town and business there in?

Managing the public is one of our biggest challenges and providing information and advice is specifically mentioned in the 1995 Act. This is fundamental to managing the Hills and balancing conservation with public enjoyment.

6 Is it time that the Conservators organisation was split up and those sections that are solely concerned with conservation were given the funding to repair paths and other such functions and the rest should form a local association that is to promote tourism to the town and local area. I feel this is

a way forward and will leave conservation to those who are professional in the subject, not being distracted by other business and can be trusted by the general public to carry on the job for the correct purpose, not being distracted by projects that could be seen as being outside their remit.

This would require a new Act of Parliament

3.2 Mr. Martin Taylor on behalf of a number of different people asked the following questions which were answered by the Chairman as follows:-

Use of the cafe

1. There are a number of concerns as to how MHC intends to run the café, if it takes it over from Mr Redman. In particular –

1.2 Do the MHC intend to renovate the kitchen, so as to be able to serve meat dishes?

1.3 Will the café prices remain moderate, so as to make it available to as many people as possible?

1.4 Do MHC intend to open the café during the week all the year round?

1.5 How long does MHC anticipate it will be before their new café is up and running?

6. The Conservators have repeatedly stated that the cafe should be open around visitors needs. The 1999-2000 Visitor Survey commissioned for the Malvern Hills AONB Joint Advisory Committee by the Heart of England Tourist Board states that the majority of visitors arrived in the Malvern Hills AONB between 10/11am and departed between 3/4pm. Mr Redman's opening hours, which are specified in his lease, reflect this. Could the Conservators provide evidence to support that there is a sensible requirement to extend these hours?

11. In her letter to the Malvern Gazette "A Conservators View", Beverley Neilsen stated that the "[Conservators] would also really like to aim for a cafe that is open for the many participants on charity walks taking place on the Hills even where possible, when these occur outside regular hours." According to the Malvern Gazette website, there were approximately 8 charity walks in 2009.

Mr Redman is more than happy to cater for large groups of walkers, but it is worth considering that most walk organisers recommend that walkers bring their own food and drink and also provide food and water at their checkpoints.

Last year refreshments were provided by the Malvern Sea Cadets for the 'St Richards Hospice Walk' and Subway provided end-of-walk refreshments for the 'Macmillan Malverns by Moonlight Walk', which was organised in collaboration with Malvern Hills Conservators.

Can the Conservators please provide evidence that there is a requirement for St Ann's Well cafe to cater for charity walks?

12. It has come to light that that the walk leader of last years NSPCC Hack was disappointed to find St Ann's Well cafe closed when he arrived at approximately 9am on the morning of June 27th.

As the board are no doubt aware, St Ann's Well cafe normally opens for business at 10am. Mr Redman has made clear that the if he had been given sufficient advance warning to arrange extra staff and provisions to cater for the 300 walkers in attendance that day, he would've have been happy to open the cafe outside his normal hours.

Advising walk leaders to contact the proprietor at least 48hrs in advance with details of numbers, requirements, the estimated time of arrival and whether or not they would need the toilets to be opened when the cafe is closed, would be the first step in avoiding any future misunderstandings.

Could the Conservators liaise with Mr Redman and publish advice for walk leaders wishing to use the Cafe alongside your guidelines for sponsored walks?

13. How much have Malvern Conservators spent on legal costs to date in connection with seeking to repossess the Café at St Ann's Well? What estimate has been given by Harrison Clark as to the total final cost, if the matter goes to trial? Do the Conservators, as trustees of public money, think that that is a good use of their resources? Could this expense have been avoided with better communication with Mr Redman?

14 The MHC plans for St Ann's Well are synonymous with the wider plans of High Street Malvern to create a 'Gateway to the Hills' in order to bring economic advantage to the area. For example, the Conservators have stated that "...St Ann's Well is the logical link between Great Malvern and the Malvern Hills and our proposals include various initiatives to encourage visitors to the hills down into the town centre."

Initiatives to encourage visitors OFF the hills are NOT within the Conservators remit.

Can you reassure the public that the resources and energy of the Malvern Hills Conservators are not being withdrawn from their core duties to help realise the aims of outside bodies, whose members are self-appointed and not subject to local election?

16. The Conservators manage 3,000 acres of the Malvern Hills on behalf of the public. Under their custodianship, the Conservators prevent encroachment, keep the land open and un-built on for the benefit, recreation and enjoyment of the public and protect the common rights which exist over the land.

The State of the Malvern Hills AONB 2009 report identifies encroachment as a problem on the Northern, Central and Southern Malvern Hills. According to your website, 1 acre of habitat management costs £500. Can the Conservators ensure that their resources are invested in their core duties (i.e. preventing encroachment) rather than undefined schemes, such as the St Ann's Well 'project'?

17. At the public meeting in Nov 2009, you were asked how long plans for St Ann's Well had existed, but did not provide an answer. As you know, plans for St Ann's Well building, plans for a road train and to encourage visitors to combine a visit to the Hills with one to the town were outlined as specific objectives in the MHC Forward Strategy 2005-2015, which was published in 2006. Why didn't the Conservators inform the public and Mr Redman about their plans until September 2009?

18. The Conservators have repeatedly stated that the Octagon room is a public building. This part of the building is included in Mr Redman's lease and so it is for him to use it for the purposes of his business in accordance with his lease. It is not a term of the lease that it should be permanently available and open to the public as if it were something like a public library.

MHC have also publicly stated that the room is closed to the public and cited this misconception as justification for the plans for a visitors centre. In fact the room is regularly used by groups such as the West Midlands Vegan Society and as an over spill when the weather is bad. It was also used by the Conservators to publicly display their plans for the renovation of St Ann's Well gardens.

Can you please explain how the Octagon room is a public building and apologise for misleading the public with unsubstantiated claims?

19. To date, 6,639 people have joined the SSAW Facebook group and over 1674 have signed the online petition urging the Conservators to reconsider their plans for St Ann's Well.

Although there have been a handful of comments in the Malvern Gazette expressing support for the Conservators plans, these comments were made by Roger Sutton, Colin Butler, Valerie Gilmer & Pete Watson: individuals who are connected with Malvern Hills Conservators through their membership of groups such as High Street Malvern and the Malvern Civic Society.

Do the Conservators agree that it would be inappropriate to implement their plans for St Ann's Well

without the support of the electorate? Do the Conservators feel they should give more weight to their own (undisclosed) plans for St Ann's Well café than to the wishes of the people who fund them and whose views they are supposed to represent?

20. Concerns about the suitability of St Ann's Well as the location for an Information centre have been expressed both the SSAW Facebook group and the online petition. For example:

Mr Rory Clark of Malvern: "St Anne's well is, in itself, a reason to go up the hills and therefore practically a tourist attraction. It's in a perfect place for you to pass by as you come off the hills and gives you some much needed sugar after a walk. However, that location is one of the most appalling places possible for a tourist information centre. It's the most difficult of all the walks up, making it low traffic, and it's not like the hills really need a whole centre for info. Just have the cafe hand-out maps."

Mr Ivan Salmons, Malvern: "St Ann's Well is not the place for a visitors centre. That should be in town, or near a car park that the coaches use. I and my family like St Ann's as it is. A relaxing place to get a cup of tea with friendly service. Don't fix what is not broken."

Do the Conservators agree that Great Malvern Town centre would be a more suitable location for a visitor centre?

21. In your online document "St Ann's Well: Some Facts", you state that "a computer terminal in the building linked to the TIC may be useful". Surely a digital terminal would conflict with your plans to restore the interior of the Grade II listed building and emphasise its Victorian character.

How much is it estimated that such a computer terminal will cost (including coordinating the design of the system, the layout of the pages and the information contained.)

What information will be accessible via the computer terminal and can you ensure that the information relates ONLY to the history and geology of the Malvern Hills themselves and not commercial events, attractions or businesses in Great Malvern Town Centre.

22. The Malvern Hills Conservators maintain the land under their jurisdiction for public access by a programme of maintenance which includes litter picking.

Could the Conservators make arrangements for the bins at St Ann's Well to be emptied regularly at weekends and on Bank holidays, to ensure that the appearance of the surroundings is maintained?

At present, there are three Malvern stone bin "containers" at St Ann's Well, one of which doesn't contain a lidded bin. Could the Conservators rectify this?

We have sought legal advice and we are unable to answer any questions relating to St Ann's Well Café or the position of the tenant as they are subject to ongoing court proceedings.

Expenses

2. Following recent interest in public funded organizations, will MHC publish a list of expenses claimed on MHC business, or otherwise, during the last 10 years?

Board members are volunteers and not paid for their duties. They do recoup direct expenditure incurred and this is listed in the Trustees Annual Report and Accounts. Over the last ten years expenses incurred were as follows:

1999-2003	None
2004	£367 for a member to attend the National AONB Conference
2005	None
2006	One Board member attended a training course at a cost of £70.00 and Sweatshirts costing £13 each were provided for two members of the Board
2007	One Board member attended a training course at a cost of £75.00
2008	Two members of the Board attended a seminar on Common Land and Town And Village Green at a total cost of £150.00.

2009

One member of the Board attended a chainsaw course at a cost of £390.00. This member also works as a Volunteer.
None

Finance – Pension deficit

3. Last year's accounts for MHC indicate that there was a pension deficit for MHC's pension scheme flowing from the Worcestershire County Council (WCC) Pension Fund's deficit of £488,800,000. The latest available figure for that Fund's deficit is now £847,000,000 (The Times 09/03/09) and so presumably the MHC share of the deficit is proportionately greater.

3.2 What do MHC estimate to be their share of this deficit?

As stated in the Trustees Annual Report and Accounts, MHC participates in the Worcestershire County Council Pension Fund. The contribution rate required of the Conservators is set on a grouped basis, combining MHC with a number of other employers also participating in the Fund. The assets and liabilities are not identified separately. What I can say is that the Actuary (an independent business professional who deals with the financial impact of risk) has increased annually the percentage paid into the scheme by employers and employees and in the last Annual Accounts MHC's contribution for its employees amounted to £48,806.

3.3 How do MHC intend to fund their share of this deficit?

MHC will continue to contribute to the funding level set by the Pension Fund independent Actuary for each employer. The next valuation takes place at 31 March 2010.

3.4 Will MHC confirm that their proposal in funding the deficit is not simply to increase the burden on local taxpayers?

This is funded from the General Fund but it is not the intention to raise the levy on local council taxpayers this year which is to remain at last year's figures.

3.5 Despite the current grim economic outlook, WCC recently increased the pension benefit payable to staff from 1/80th to 1/60th per year of service i.e. a 33% rise in pension, with a risk of increased deficit. Did MHC make a similar increase in its pension benefit? If so, why?

This is a national local government pension scheme. We have sought advice from Worcestershire County Council which has revealed that the change in calculating the pension has not significantly altered the sum received. Detailed information should be sought from Worcestershire County Council's Pensions Department.

3.6 As prudent trustees, do MHC not think that they should change their current expensive defined benefit scheme to a defined contribution scheme which would prevent any possibility of deficit arising from future pension contributions?

MHC as participators will abide by the decisions made in the Scheme as a whole but the Board could review its policy. However as a public body we have adopted local government pay and conditions.

3.7 Has MHC taken advice (as has been done elsewhere within Worcestershire) as to any potential personal liability for this deficit on the part of the individual Conservators? This would presumably be particularly pertinent since the existence of the deficit has been known for at least 6 years and yet no steps appear to have been taken to reduce it by moving to a defined contribution scheme.

MHC will continue to contribute at the funding level set by the independent Actuary and will continue to be guided by him. No other independent advice has been sought.

Grazing scheme

4.1 How has the success of the grazing scheme manifested itself in terms of either a reduction in staff, or other costs?

From June 1st the grazing scheme will be operated solely by local farmers and graziers. This is the culmination of 8 years of the grazing project. From then on little or no MHC staff time will be spent on managing the grazing scheme and will therefore be free to spend more time on the maintenance of the Board's land. Since 2006 the Land Management budget has fallen from over £81,000 to £66,300.

However, as a conservation charity cost is not our only measure of success. It is also important to note the increase in the rare Grayling butterfly numbers, the improvement of the acidic wildflower grassland and increase in its extent and the recognition of the Hills as one of the most important sites in the country for wax cap fungi. Working with bodies such as Natural England, Butterfly Conservation and the National Trust the Board has won a national conservation award from English Nature for the implementation of the grazing scheme.

4.2 Please explain the funding of the grazing scheme and indicate where any income from it, or the Stewardship Scheme is shown in the last set of accounts.

The grazing scheme is funded through the Environmental Stewardship Scheme run by Natural England. It is open to all farmers and landowners in England. This is a self-financing scheme and therefore does not appear in the Trustees statutory accounts. However they do form part of the quarterly Management Accounts presented to the Administration & Resources Committee. Any income now generated by the grazing scheme now goes to the farmers who graze the Hills.

4.3 Does the grazing scheme bring any tangible benefit to MHC's stakeholders and if so, which ones and how?

Without knowing who you count as stakeholders we will answer as follows:-

The grazing scheme is an important part of keeping open the views on the Hills and this is of interest to the many visitors to the area.

Obviously the protection and enhancement of habitats for the important wildlife on the Hills is a concern for anyone who values the wildlife on the Hills and the grazing project is integral to that.

One of the Conservators four main duties under the Acts of Parliament is to protect the rights of commoners and as of the 1 June the majority of the Hills and Commons will be grazed by commoners or graziers, safeguarding the tradition for the future.

4.4 The destruction of part of the 'Red Earl's Dyke' by cattle has led to a permanent loss of national heritage. Can the board explain how this was allowed to happen, what measures have been put in place to prevent further, similar issues due to cattle damage and who was personally responsible for the policy that created that damage?

The Board works alongside English Heritage and the County Council Archaeological department in working up management proposals for the preservation of the Shire Ditch. While superficial damage to a very small section of the monument has occurred, this is inevitable on a 9 mile long feature. However it is inaccurate to say that part of the ditch was destroyed. The Board will endeavour to reduce superficial damage in the future by careful monitoring of bowser and fence placement. It is important to note that grazing is considered an important conservation/preservation tool for all of the Board's Ancient Monuments and this is the advice we take from the expert archaeologists working for the designating authority.

General Questions

5. MHC is a public body set up to carry out certain very limited statutory duties, funded by local taxpayers. Please explain under which of MHC's statutory objects the following activities fall; they are all set out on page 6 "Future Plans" in the last Annual Report and Accounts

- Charitable giving - Will MHC be planning to give away taxpayer's money?
- Encouraging visitors to combine a visit to the hills with one to the town
- Holding fishing weekends "to instill animal welfare" into the sport of fishing.

The Conservators have four core duties under the Malvern Hills Acts and objects as a registered charity to preserve for the benefit of the public natural aspects and features of the Malvern Hills and the provision of recreational facilities in the interests of social welfare.

With regard to future plans:-

- *MHC as a registered charity is encouraging the public to make donations through the website using the 'Just Giving' facility. This is to receive donations to the charity, not to give donations away.*
- *The foot and mouth outbreak when the Hills were closed had an considerable impact on businesses in the town and it was considered important to include as an objective in the Forward Strategy to ensure that the attractiveness of the Hills brought benefit rather than problems to the town and district of Malvern.*
- *These taster days are given free of charge by a local fishing club. This helps the Conservators to protect the wildlife as well as reducing the conflict between fishermen and conservationists. Part of the duty in managing the Hills and Commons is managing the activities.*

7. The Malvern Hills Conservators office is closed between 1pm-2pm weekdays and not open at weekends and on public holidays. Please could you explain why the office isn't open around "visitors' needs"?

We do not have a full time receptionist. There are two administrative staff who man the reception along with their other duties. However, the office telephone is manned between 9 – 5. If a member of the public contacts the office and says that they are unable to visit the office during opening times, the staff will do their utmost to make alternative arrangements. There is telephone contact 24 hours a day as there is an answerphone facility that enables the public to leave a message, reach a Warden to report an incident, or reach the Director in any emergency.

8. The turnout for the MHC election in 2007 was only 15.5%. Improving access to information should be the first step in improving your relationship with the electorate and engaging them in the decision making process. At present, only the most recent minutes of Conservators board meetings are available on your website and much of the discussion is omitted as being

"confidential". This is inappropriate for a public body, which must be accountable to its electorate.

Would the Conservators consider publishing an archive of minutes to enable members of the public and partner organisations to follow the work of the committees and board more closely?

Not everyone has access to the internet and your office opening hours are inconvenient for most people. Can copies of the minutes also be made available at Great Malvern Library?

If you have any ideas on how we can encourage more of the public in the election process we would like to hear from you.

The Board's Code of Conduct covering the publication of confidential matters follows the code for other public bodies.

All the Conservators' Minute books for the last 125 years are open to the public and although Minutes are not currently available at Great Malvern Library we would be happy to send these to Malvern and Colwall libraries.

9. According to the Charities Commission, a complaints procedure can bring a range of benefits to charities, including, crucially, strengthening their capacity to deliver good-quality services and building the trust of the wider public.

Do the Malvern Hills Conservators have a complaints procedure and should this information not be made available on your website as part of your public accountability procedures?

MHC does have a complaints procedure. It is not on the website as this is aimed at being user friendly and interesting but the complaints procedure is available at the office and of course could be posted or e-mailed to anyone.

10. As a levy funded public body, MHC are expected to exhibit the highest ethical standards and required by law to produce a 'Code of Conduct', which the body should publish, describing how this will be put into practice. Why is no Code of Conduct available on the Conservator's website and does it exist, in fact? If it doesn't exist, can the board explain why not and when it will be published?

In line with other public bodies MHC does have a Code of Conduct for its members and a copy is given to every member on joining the Board. This could be made available for any member of the public to look at and rules regarding confidentiality are included.

15. The chairman of the Malvern Hills Conservators is also the co-project leader of High Street Malvern's Rosebank Gardens regeneration scheme. What measures are in place to ensure that the board of Malvern Hills Conservators is not dominated by one or two individuals who may have a conflict of interest in pursuing a personal agenda?

The Board consists of 29 members who all play an active part in the organisation. I am not aware of MHC being controlled by anybody. I am sure that all members will feel insulted by being told they are not free thinkers. They receive reports and decisions taken are ratified by the full Board and individual members vote accordingly.

23 During the recent hard winter, MHC made no effort to clear even the main footpath to St Ann's Well, leading to several falls and consequent injuries. Do the MHC accept liability for injuries brought about due to their inaction with regard to protection of public safety.

We were advised by our Insurers that we should either do nothing or any work should be carried out to a reasonable standard to prevent public liability claims. We therefore cleared entrances to car parks for road safety reasons but it was impractical to clear over 100 miles of tracks and paths on the Hills.

23a The Malvern Hills Conservators are a public body, with a remit containing both environmental and public interest aspects. Have they registered for Freedom of Information Act listing with the Ministry of Justice, as required by law? If not, why not and if they have not registered – when will they register?

The Conservators are not subject to the Freedom of Information Act 2000. However the Conservators agreed to abide by the spirit of the Act and have always co-operated with the public in supplying information, except confidential items.

24 It seems that MHC have brought in charges ranging from £250 to £5000 per day for filming while on the hills. Can the board explain how this encourages tourism in the area and under which statute in the Malvern Hills Act (1995) do they have the power to make this charge?

This charge is only made when a filming company takes over an area of land and is a similar policy to other bodies such as the National Trust. This initiative helps to keep the levy at its current level.

25 As a levy funded public body, MHC are required by law to maintain and publish a register of Declarations of Interest (DOI). Why is no register of DOI's available on the Conservator's website and does it exist, in fact? If it does exist, will they supply a full list of DOI's for the last 10 years? If it doesn't exist, can the board explain why not and when and how it will be published?

Declarations of Interest are declared at the beginning of the meeting and published on the Board and Committee reports.

26 In 2003, MHDC bought some land for £178k at the Hacketts, Mathon Road, Colwall and it was their most expensive capital purchase to date. It seems that almost immediately, they leased several hectares of it to 'John Richards Nurseries', who are members of the HDC consortium, which is a division of the government run Agriculture and Horticulture Development Board. DiaryCo are a sister division of HDC and are involved in genetic modification of cattle.

To quote a former Conservator, David Masters, on the subject: "It'll prevent public access to land bought with public money," he said. "I urge people to strongly object."

The commercial premises of John Richards Nurseries are perhaps the worst 'blot on the landscape' on the Herefordshire side of the hills.

Will the board make a statement to the effect that none of their members have financial or other declarable interests in John Richards Nurseries?

Can the board explain why they have spent public money in this way and how it is appropriate to enter into such a deal with a private commercial organisation, whose purpose is so completely at odds with the reason for their existence – to preserve the natural landscape for the enjoyment of the public?.

The Board of Conservators made the decision to buy The Hacketts as it complied with the Land Acquisition Policy in that it was felt that the land should be preserved as part of the range of the Malvern Hills being contiguous with other areas of the Board's land. In negotiations for the purchase it was decided to use provisions under Section 6 of the Malvern Hills Act 1995 to lease part of the land to a local Nurseryman with a condition of the lease that no temporary or permanent structure should be placed on the land. The largest proportion of the land nearest the Hills is open to public access.

The Chairman advised most of these questions referred specifically to MHC but as a public body the Board has adopted the standards of local government. He also advised that questions do not only have to be put to the Board. Enquiries can be made at the office, by letter or e-mail or put to your local member.