

Malvern Hills Trust
Governance Committee
Manor House, Grange Road, Malvern WR14 3EY
Thursday 26 July 2018 7.00pm

Present: Dr S Braim, Mr D Bryer, Mr S Freeman, Mr C Penn, Prof J Raine (Chair), Ms S Rouse.

In attendance: Chief Executive Officer (CEO), Secretary to the Board, Mr M Davies, Mr P Watson.

The Chair welcomed everyone to the meeting.

1. Apologies for absence

Mr R Bartholomew, H Stace.

2. Chair's announcements

Prof Raine apologised that there had been no meeting in the last 6 months but the committee had been awaiting the next piece of business in relation to the Charity Commission Scheme. This meeting had been called to give the Committee a full update and a chance to comment. Regrettably the timetable for the public consultation had slipped back.

3. Declarations of interest

There were none.

4. Matters arising from previous meetings

There were none.

5. Update on Charity Commission Scheme: Timetabling and report on plans for public and stakeholder consultation

The Secretary to the Board reported that she, the CEO, Mr Freeman and Prof Raine ("the reviewing group") had been working on the draft consultation document. The solicitors had returned the most recent iteration on 15 June. Much to the disappointment of the reviewing group, the draft was quite unfinished and a number of issues that had previously been raised had not been addressed. The reviewing group had written back, raising certain key issues and requesting a meeting. This could not take place until the full draft had been returned with comments but unfortunately this had been delayed because of the Secretary to the Board's other commitments. The main text was sent back to the solicitors on 22 July although the Secretary to the Board still needed to go through the Acts and the schedule of repeals to make sure none of the old provisions had been overlooked.

The key issues raised with the solicitors included:

- How the Scheme was going to be presented to the public. The current version of the consultation document had an added column showing

reasons for the changes, comments and requests for observations. The public would find it very hard to engage with the document in this form. The Secretary to the Board had subsequently been invited to add to or amend the comments, which she had done, and she hoped some of this work could be re-used in a stand-alone public consultation document in due course.

- There needed to be a meeting to finalise the drafting. Continuing to use a “travelling draft” would take far too long. A meeting had been arranged for 7 August.
- The reviewing group felt that the terms “trustees” (individuals), “Board of trustees” (the incorporated body – also defined as “Trustees of the Malvern Hills Trust”) and “Trust” were being used inconsistently in the draft.
- The reviewing group were still not convinced that the name “Malvern Hills Trust” could not be used for the body corporate. If it could not, the reason needed to be clearly explained.
- BWB’s needed to be more aware of local sensitivities and recognise in the drafting that MHT was not a “normal” charity.

BWB had suggested asking the Charity Commission/DCMS to review the draft consultation document before taking it to the Board for final approval, in case there were any legal points that they felt could not be taken forward. The Secretary to the Board asked the Committee whether they felt the current draft should be referred back to the Board prior to the Charity Commission/DCMS review, but it was concluded that Board members had had the opportunity to look at the detailed provisions when the workshops took place in May. Board members were welcome to have a copy of the current version of the draft if they wished. It was not clear how long it would take to set up the DCMS/Charity Commission meeting.

The Secretary to the Board reported that so far, about £60,000 had been spent on legal costs, and £200 on the consultation.

The Secretary to the Board and the Conservation Manager had spent Friday 20 July in Castlemorton speaking to some of the graziers, those who might exercise their commoners’ rights and members of the Commoners Association, in small groups, explaining the parts of the Scheme that would particularly affect the common. This had been quite well received and people were generally supportive. There was still some work to be done on the wording of the provision to enable the grazed commons to be secured.

There would be another meeting for those with commoners’ rights in September.

The CEO reported that there had also been a series of talks about the Scheme at Parish Council meetings in May. In addition, there had been a meeting with representatives from Herefordshire Council and a second meeting was planned with representatives of Worcestershire County Council (arranged for 13 August). The original timetable for the public consultation had been abandoned, and rescheduling would have to await a final agreed draft and approval in principle

from DCMS/Charity Commission. The public consultation was now unlikely to take place before the end of September at the earliest. Prof Raine said that the solicitors should be asked to expedite the meeting with the Charity Commission. Mr Freeman said that a timeline needed to be agreed, working back from the Board elections in November 2019.

6. Urgent Business

There was no urgent business. However the Committee identified the following issues which needed to be addressed when time allowed:

- Standing Orders revision
- Conflicts Policy
- Code of Conduct

7. Plans for future meetings/date of next meeting

The next scheduled meeting was 25 October. However, it was anticipated that a Special Meeting would be required to consider the final draft of the Scheme before that.

Mr Watson asked if the decision to change the name of the organisation could be revisited.

The meeting closed at 7.55pm