

9 September 2021

Malvern Hills Trust

Meeting of the Board

The Council Chamber, Civic Centre, Pershore WR 10 1PT

Thursday 9 September 2021 7.00 pm

Present: Mr C Atkins, Mr R Bartholomew, Dr S Braim, Dr E Chowns, Mr D Core, Dr G Crisp, Mr M Davies (Chair), Mr D Fellows, Mr R Fowler, Dr T Parsons, Mr C Penn, Prof J Raine, Mrs G Rees, Mr C Rouse, Ms H Stace, Mr D Watkins.

In attendance: CEO, Finance and Administration Manager (by telephone), Secretary to the Board, Conservation Manager, Community and Conservation Officer (CCO), Mr D Butler (Bishop Fleming), 9 members of the public.

Mr Davies welcomed everyone to the meeting.

1. Apologies for absence

Mr D Baldwin, Mr M Dyde, Mrs L Hodgson, Mrs H I'Anson, Mrs C Palmer, Ms S Rouse, Mr T Yapp.

2. Chair's announcements

- There were no items of urgent business.
- The Staffing Committee meeting would now be held on 4 November.
- There would be a site visit in place of the Land Management Committee meeting scheduled for 14 October. The start time would be 4pm.

3. Declarations of interest

Mr Rouse – he had rights of common over Trust land

4. Public Comments

There were none.

5. To review Key Issues for Discussion Document

Mr Butler outlined purpose of the report and the main issues.

There had been a significant change since the audit was carried out, as it was now clear there was a dispute over the grant income which had been anticipated from the RPA and the sum had therefore been removed from the accounts.

Three Related Party Transaction forms had not been provided to the auditors and as a matter of good practice this procedure should be followed.

Mr Davies thanked Mr Butler for his report.

6. To review the Letter of Representation addressed to Bishop Fleming and authorise the Chair of the Board to sign it

On the proposal of Mr Core, seconded by Mrs Rees it was **RESOLVED** (with 2 abstentions) that the Chair should sign the letter of representation addressed to Bishop Fleming.

7. To confirm to the Auditors that the charity is a going concern

This matter had been discussed at the Finance Administration and Resources (FAR) Committee meeting.

On the proposal of Mr Core, seconded by Mr Bartholomew it was **RESOLVED** unanimously to confirm to the Auditors that the charity was a going concern.

8. To authorise the Chair to sign the letter of engagement from the Auditors

On the proposal of Mr Core, seconded by Mr Bartholomew it was **RESOLVED** unanimously that the Chair should sign the Auditors' letter of engagement on behalf of the Board.

The Chair thanked Mr Butler for attending and he left the meeting.

9. To confirm the Minutes of the Board meeting held on 26 August 2021

On the proposal of Dr Braim, seconded by Mr Penn it was **RESOLVED** (with 6 abstentions) to approve the minutes of the meeting held on 26 August 2021.

10. Matters arising

There were no matters arising from the meeting.

11. Staffing Committee

11.1 On the proposal of Prof Raine, seconded by Mr Penn it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 1 July 2021.

11.2 Matters arising

Mrs Rees went through the minutes.

11.3 Adoption of minutes

Mr Fowler said the issues of feedback, near-miss reporting and health and safety audit were not being addressed and this was a Board responsibility. The CEO said there was a health and safety report as a standing agenda item at each meeting of the Staffing Committee. He had discussed how to improve near-miss reporting with the Trust's external Health and Safety advisor.

On the proposal of Prof Raine, seconded by Richard Bartholomew it was **RESOLVED** (with 1 abstention) to adopt the minutes of the Staffing Committee meeting held on 1 April 2021, and to approve the revised Health and Safety Policy and the revised Safeguarding Policy.

12. Governance Committee

12.1 The date of the next meeting show in the draft minutes should have been 21 October 2021. With that amendment, on the proposal of Mr Atkins, seconded by Mr Core it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 29 July 2021.

12.2 Matters arising

Working Group 1 were hoping to bring their report on the costs and benefits of making Governance Changes by a Private Bill to the Governance Committee meeting

in October, followed by a workshop for all Board members prior to the November Board meeting.

At the meeting, the issue of whether all or some of the David Russell reports remained confidential had been raised. As there were elements of the reports which must remain confidential, if anyone wanted to discuss any aspect with someone other than trustees or staff, they should check with the Chief Executive or Secretary to the Board how best to deal with it.

12.3 Adoption of the minutes

On the proposal of Mr Core, seconded by Mr Atkins it was **RESOLVED** (with 1 vote against and 1 abstention) to adopt the minutes of the meeting held on 29 July 2021 and the revised Social Media Policy.

13. Meetings

On the proposal of Dr Braim, seconded by Mrs Rees it was **RESOLVED** (with 4 abstentions) to adopt the revised schedule of meetings for a trial period of 6 months

14. Update on progress of working group looking at the costs and benefits of a private bill

See above.

15. Review of progress on governance toolkit

Mr Atkins said that about 2/3 of trustees had returned the forms. It was hoped that the remainder would respond shortly. The results would be compiled and a workshop arranged to discuss the results.

16. Finance Administration and Resources Committee

16.1 To confirm the accuracy of the minutes

On the proposal of Mr Penn, seconded by Mr Bartholomew it was **RESOLVED** by the committee members present to confirm the accuracy of the minutes of the meeting held 12 August 2021.

16.2 Matters arising

Mr Core went through the minutes.

16.3 Adoption of the minutes

On the proposal of Mr Fellows, seconded by Mr Atkins it was **RESOLVED** unanimously to adopt the minutes of the meeting held on 12 August 2021 and recommendations set out below:

- A) In relation to the Northern and Central Hills Countryside Stewardship Scheme that:
 - a) No further income accruals be made in relation to the Northern & Central Hills CS until the dispute with Rural Payments Agency was resolved
 - b) The balances on the grazing reserve, BPS and HLS Castlemorton Common funds be used to cover the shortfall at 30th June 2021 arising from the dispute,

- c) £32,200 be made available from general fund reserves to fund grazing on the North & Central Hills from 1st July 2021 to 31st December 2021.
- B) That the budget for the purchase of a fourth warden vehicle should be increased by £6,000
- c) That the IT security system recommended in the paper for the FAR meeting of 12 August 2021 be installed at a cost of £1,620pa

17. To adopt the Risk Management Schedule

The CEO said that this was a live document which was amended throughout the year in response to events.

Since the workshop, the risk score had been increased at items 5.3.1 (reduction in grant funding) and 5.6 (Not meeting the conditions for grants).

Mr Fowler asked if the risk to the Trust of other members of the Worcestershire County Council Pension Scheme defaulting had been assessed? The CEO said he believed there was no cross liability within the Scheme as far as the Trust was concerned. The Finance and Administration Manager said this risk could be added to the Schedule. It was not possible for the Trust to insure against this risk.

Dr Chowns asked about the scoring system for risk in the Schedule. The CEO said the method used was the standard method recommended in the Charity Commission guidelines.

On the proposal of Mr Core, seconded by Mr Penn it was **RESOLVED** unanimously to adopt the Risk Management Schedule.

18. Trail hunting update

The CCO went through the paper. The outcome of a trial of the Director of the Masters of Foxhounds Association in relation to a webinar in which he was alleged to have encouraged others to commit offences under the Hunting Act was still awaited. It was not known whether local hunts attended that webinar. On the proposal of Mr Davies, seconded by Mr Fellows it was **RESOLVED** unanimously that the issuing of licences for trail hunts on Trust land be suspended until the outcome of the trial was known, when the matter could be reviewed at the next Board meeting following the disposal of the case.

19. Update on dispute with RPA

The Conservation Manager reported that the RPA were looking into the issues which the Trust had raised and were in dialogue with the Trust's consultant. They had acknowledged that approximately another £13,000 was due to the Trust but had given no explanation for that figure, nor of their overall position. The CEO had written to Natural England to request their help.

20. Invitation to participate in a trial of Defra's new ELM scheme.

The Trust had received an invitation to take part in a DEFRA trial for the ELM schemes which were based in the principle of "public money for public good". A trial was already being run for the Landscape Recovery grant scheme on upland commons. A

trial was to be run on lowland commons and The New Forest and Malvern Hills had been put forward as possible sites. A project officer would run the trial and the Trust had been told it would involve 1 day per month of staff time for a period of 15 months, for which the Trust would receive a payment of £400 per month. The Conservation Manager felt it would be an excellent idea to get involved and hopefully shape how the scheme would work. Joining the trial did not mean committing to a future scheme. There was agreement that the Trust should take part.

Pollution incident

In early September Western Power had identified an oil leak from one of their underground cables on Swinyard Hill. The strategy for tackling the leak had been agreed with Western Power's consultants, the Trust and the Environment Agency. Roughly 75 tonnes of contaminated soil would be removed from site and replaced with clean soil which matched as closely as possible to the local bedrock pH. The area would be monitored to check that the leaked oil had not spread further. The streams and flushes had been checked and no oil had been detected to date. Swinyard Car Park would be closed to enable Western Power to use it as a work base. The Trust would be compensated for loss of income. Mr Fowler suggested contacting Western Power to see if they would replace the cable.

21. Urgent Business

There was none.

22. Information

22.1 Malvern Spa Association

The CEO thanked the Spa Association for agreeing to contribute towards work on the trough on Barnards Green and at St Ann's Well. The Spa Association had been carrying out divining surveys to try to determine sources of streams.

22.2 AONB Joint Advisory Committee

A written report had been provided.

22.3 Wildlife Panel

The Conservation Manager said a meeting had taken place in March. The agenda included a discussion on the Land Management Plan and the Trust's recent projects.

22.4 Recreation Advisory Panel

A meeting had been scheduled for 28 October.

22.5 4Cs

No meeting had taken place

22.6 Management Report

The recruitment process for a new warden had been completed and the CEO hoped to be able to announce who would be taking up the post within a few weeks. The new Operations Manager was going through his induction process. The field staff member who had been engaged on a 10 month contract had left as he had been offered a permanent post elsewhere. There was 7 months to run for that temporary post and it was not worth recruiting another member of staff for that short time. The CEO suggested carrying out some additional work using contractors.

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The CEO said that Herefordshire Council was looking at putting double yellow lines in certain places on Jubilee Drive to cut congestion during busy periods.

23. Next meeting

11 November 2021

24. Confidential business

On the proposal of Mr Core, seconded by Mr Bartholomew, it was RESOLVED to exclude the public for discussion of items 25, 26, 27 on the agenda on the grounds that publicity would be prejudicial to the public interest by reason of the exempt or confidential nature of the business to be transacted (Legal advice/person information).

The meeting closed at 10.05pm