MEETING OF THE BOARD

Thursday 8th March 2012, 7:00 pm
Priory Lodge Hall, Malvern

Present: Mrs S Adeney, Rev'd C Attwood, Mr R Chamings, Mr M Cordey, Mr R Cousins, Mr S Ginn, Mr R Hall-Jones, Mr D Hawkins, Mr P Hughes, Mr T Musgrove (Vice Chairman), Mr B Pilcher (Chairman), Mr J Plant, Mrs G Rees, Mr C Rouse, Mrs H Stace, Mr D Street, Mr J Tretheway, Mr P Tuthill, Mr P Watson, Mr P Watts, Mr T Yapp.

In attendance: Director, Administrative Officer, Deputy Conservation Officer, Financial Consultant and 10 members of the public.

1. **APOLOGIES FOR ABSENCE**
   Mr D Baldwin, Mrs J Campbell, Mr C Cheeseman, Mrs L Deller, Miss R Massey, Mrs B Nielsen, Mr C Smith.

2. **CHAIRMAN'S ANNOUNCEMENTS**
   Year card. Members were advised that they have each been given stickers to update the year card. This was due to Mr C Cheeseman leaving the Land Management Committee to sit on the Administration and Resources Committee to allow Mr P Hughes to sit on Land Management which is more in keeping with Mr Hughes' skills and knowledge. The Chairman thanked Mr Cheeseman for changing Committees.
   Concessionary Pass. Members were also advised that they have each been given a concessionary parking permit for the coming financial year.
   Minute Book. Mr B Pilcher displayed the bound minute book for the period 2007 – 2011 and stated that members are welcome to view the minutes if they contact the office.
   Directors' Successor Working Party. Mr B Pilcher thanked the members of the Working Party and announced that Mr Ian Rowat's successor is Mr Chris Tomlin. Mr Tomlin will be taking up his duties in June. For the period between the end of March and June the Conservation Officer, Mr R Havard, will be Acting Director.
   Parking on the Common. Mr B Pilcher asked Mrs H Stace to brief the Board on this issue which was raised at the Board's workshop held on the 9th February 2012. Mrs H Stace confirmed that due to time constraints this issue was deferred and will be an agenda item at the next meeting of the Land Management Committee.
   Director's Retirement. Mr B Pilcher stated that Mr Ian Rowat will be retiring at the end of the month after 13 years of service and he will be sorely missed. Mr Pilcher thanked Mr Rowat for his input and wished him well in his new endeavours with the Brecon Beacons National Park and the Civic Society. Mr I Rowat thanked the Chairman and stated that the staff have a great knowledge of the hills and commons which puts the organisation in a position of strength.
   Board Workshop. Mr B Pilcher advised members that the next workshop of the Board will be held on April 12th at 7:00 pm at Manor House.

3. PUBLIC QUESTIONS

A member of the public introduced herself, and thanked the Administrative Officer for her assistance and the Conservation Officer for organising a site visit, before asking the Board the following 11 questions:

Question 1 Who paid for the work at Midsummer Hill?

Answer **The Malvern Hills Conservators paid the contractors but the work was funded by Natural England through the Environmental Stewardship Scheme.**

Question 2 Who chose the particular contractors and in view of the fact that they mistakenly cut down 3 mature trees and damaged an old hawthorn, can you assure the public that you will not use them again?

Answer **The contractors were selected on their tender, have done other work for the Conservators in the past and have always carried out the work in a satisfactory way. The contractors will still be able to tender for work with the Malvern Hills Conservators, although past performance is always taken into account alongside price and other considerations.**

Question 3 In areas where access is difficult and destruction by heavy machinery is inevitable would the MHC consider using a horse and cart? I realise this would be expensive but it would be less damaging to the paths.

Answer **We have, in the past, looked at horse logging especially since there is a local operative in the area. However, it was considered to be prohibitively expensive. In this case the contractors used turf tyres to minimise damage on Midsummer Hill and Natural England, having looked at the work, are pleased by the lack of impact on site. I understand that you were invited to visit the site with the Conservation Officer and had stated that the impact was not nearly as bad as had appeared in the photographs you had seen. The only area where muddy wheel marks were left is on Eastnor Estate land and this access to the site was by a separate agreement between the contractors and the Estate.**

Question 4 Why do you not disclose plans and reports about land management in advance and invite public consultation? I read the objective for archaeology and no mention of work to Midsummer at all.

Answer **When the Management Plan was written we were not in a joint agreement on Midsummer Hill and so it was not applicable at the time. All the tree and scrub management details are brought to the Land Management Committee meeting and then the Board meeting; these are public meetings that people can attend if they wish. However, I think with reflection it might be worth looking at whether we update the electronic copy on the website in the future to include changes that occur between each printing of the hard copy of the Management Plan.**

With regards to the Objective for Archaeology in the Management Plan, it does describe in some detail the damage that is being done to the Scheduled Ancient Monuments by tree roots and clearly states that these should be removed where possible to allow the earthworks to be visible and to prevent further damage.

Question 5 I love trees and although I see the need for scrub management and creation of acid grassland I hate the felling of mature trees to create views and would like the Conservators to publicise plans to cut down trees over 30 years old before they do so?

Answer **I think this is something that we should consider in light of your questions and we will bring this topic to the appropriate committee before the next winter work season. It**

is difficult prioritising different areas for consultation and it is not always clear which areas of work are likely to attract the most demand for greater consultation. We do have a small and committed team of office staff here but lack the resources available to a County or District Council and so we do have to balance the consultation work with actually getting work done.

We also have to try and balance other view points from the public from the many people who ask for and like to see views created. The approach we take is to work with Natural England on any areas created for viewpoint. If we can use the opportunity to create glades in existing areas of woodland then this often benefits woodland wildlife by adding more nectaring flowers and increased diversity of insects which are important for juvenile birds and mammals.

Question 6 Midsummer Hill is not listed as a place to visit on the National Trust website. Why must you tidy it up? Surely the ramparts being accessible will encourage erosion from walkers, horse riders and mountain bikers. Will you enforce restrictions against such activity?

Answer **We have worked in partnership with English Heritage and the National Trust Archaeology department, as well as the Natural England representative for this scheme on the best way to preserve this 2000 year old monument for future generations. It is accepted that the roots are damaging the earthworks and that the scrub cover prevents people from even noticing the hill-fort in some locations.**
We will monitor the impact of recreational activity on the ramparts over the coming years and act accordingly if there are any issues. However, the site does not currently attract a high visitor level so we do not envisage any problems here.

Question 7 Will you be clearing any more areas of woodland in the future?

Answer **There is some scrub management planned for next year on the Hills, as always. This is an ongoing management item that is worked out with Natural England and the local and national wildlife experts to help us to maximise the environmental benefits of the work.**
In the long-term we will be reducing the scrub management work each year as the grazing of the hills helps to maintain the important habitats and reduces the need to control the scrub.
There are still some more areas of scrub on the eastern ramparts and it is planned that this will be removed in the next two years while leaving the most important veteran trees.

Question 8 Have the Conservators sought relevant permission to fell trees on an archaeological site, an area of ONB and SSSI?

Answer **Yes all necessary permissions were in place for the work. We worked in partnership with Natural England, English Heritage and the National Trust and all visited the site with Officers, before the work and afterwards.**

Question 9 Will the Conservators leave the east side of Hollybush and Ragged Stone alone?

Answer **We will continue to manage the Hills as advised by our professional Officers and by all the local and national expert opinion that is available. In these two areas we are working with a local reptile expert, the local recorder for bird and butterfly numbers in the area along with the Government bodies already mentioned. As I have stated there is some more work planned on the Eastern ramparts and there is still some habitat improvement work for reptiles on Ragged Stone to be completed next year.**

Question 10 Could the Conservators liaise more with the press and media to inform us of planned work?

Answer **We do try to get as much publicity as we can but you are right, I think this is an area we can improve on. I think we have actually been getting more press coverage recently and I welcome that and hope that we can rely on our excellent local newspaper to help us keep local people more informed in the coming years.**

Question 11 I was heartened to read about tree planting in Park Wood. I would like to volunteer for such activities. Does the Conservators' role include improving public transport to area of the hills eg. The Hopper bus service so that they are accessible to non-car drivers?

Answer **We thank you for your offer to be a volunteer. While projects like the bus service are really outside our remit, we do have over 120 volunteers and I think where possible they do try and share lifts to the site. Maybe lift sharing is something our excellent warden team could look into with the volunteers. However, I think if you get involved I'm sure there will be someone who can help you out with a lift from your area to the site.**

Supplementary question. Does the felling of trees on the hills need forestry commission permission?

Answer **The director stated that the Forestry Act does not apply to Public Open Spaces.**

4. DECLARATIONS OF INTEREST

Mr M Cordey declared a non pecuniary interest in item 12.2.
Mr C Rouse declared a personal interest in the Higher Level Stewardship Scheme.

5. TO CONFIRM MINUTES OF THE MEETING OF THE BOARD HELD ON 12th JANUARY 2012

Mr B Pilcher presented the report. Mr J Plant proposed its adoption which was seconded by Mrs G Rees. It was **NOTED** that Rev'd C Attwood had extended an apology for absence.
It was **AGREED** that the minutes of the meeting be **CONFIRMED** and **SIGNED** as a true and correct record.

6. MATTERS ARISING FROM THE BOARD MEETING

6.1 9.2.1 Planning Working Party. Mr P Tuthill stated that the minutes record '*Comments made by Mr P Tuthill regarding the financial benefit of development to the community had not fully been taken into account but Mrs H Stace questioned whether support for development was within the duties of the Malvern Hills Conservators and expressed concern that support for development may be considered ultra vires'.* A discussion ensued. It was **AGREED** that the minutes be amended to read *'...questioned whether support for **SPECIFIC DEVELOPMENT** was within the duties of the Malvern Hills Conservators and expressed concern that support for **ECONOMIC** development may be considered ultra vires.*

7. TO CONFIRM THE MINUTES OF THE SPECIAL MEETING OF THE BOARD HELD ON 26 JANUARY 2012

Mr B Pilcher presented the report. Mr J Plant proposed its adoption which was seconded by Mr R Chamings. It was **AGREED** that the minutes of the meeting be **CONFIRMED** and **SIGNED** as a true and correct record.

8. **MATTERS ARISING FROM THE SPECIAL BOARD MEETING**
None.

9. **TO RECEIVE REPORTS FROM THE FOLLOWING COMMITTEES**

9.1 LAND MANAGEMENT 2nd FEBRUARY 2012
Mrs H Stace presented the report and proposed its adoption. This was seconded by Mrs S Adeney and was **CARRIED** with an amendment to state that it was Mrs E Newman who declared an interest in Marlbrook Farm, not Mrs G Rees.

LAND MANAGEMENT COMMITTEE
Manor House, Grange Road, Malvern
Thursday 2nd February 2012 at 4:00 pm

Present: Mrs S Adeney, Mr R Chamings, Mr C Cheeseman, Mr R Cousins, Mr D Hawkins, Mr T Musgrove (ex-officio), Mrs E Newman, Mr B Pilcher (ex-officio), Mrs G Rees, Mr C Rouse(Vice Chairman), Mrs H Stace (Chairman), Mr T Yapp.

In Attendance: Director, Administrative Officer, Conservation Officer, Deputy Conservation Officer, Mr P Watson, Mr D Street and 5 members of the public.

1. **Apologies for Absence**
Mr D Baldwin, Mr P Hughes, Mr J Plant, Mr J Tretheway, Mr P Watts.

2. **Declarations of Interest**
Mr C Rouse declared a personal interest in the Higher Level Stewardship Scheme.
Mrs S Adeney declared a personal interest in Marlbrook Farm.
Mr R Cousins declared a personal interest in Marlbrook Farm and MHDC.
Mrs E Newman declared a personal interest in Marlbrook Farm.

3. **Chairman's Communications**
None.

4. **Matters arising from the meeting of 24th November 2011**
4.1 6.1 Performance Monitor & Management of Grazing Contracts. The Conservation Officer stated that MHC had received draft report though on the grazing contracts on hills. The Committee Chairman will look at the draft and once the final report has been received it will be brought back to the Committee. The Conservation Officer further stated that if members wanted more details to contact the office.
4.2 6.2 Tarmac Path, Walwyn Bend, Upper Colwall. The Conservation Officer stated the work to improve the path had been completed at a cost of £600. On behalf of Colwall Parish Council Mrs G Rees thanked the Conservation Officer and those involved for completing the work which has greatly improved the path.

4.3 8. The Hacketts building and letting of land. The Conservation Officer confirmed he had met with the landscape specialist to look at the impact and had also met with grazier. Full details will be brought to Committee at the next meeting.
4.4 13. Cider Mill at Hollybed Common, Golden Valley. The Deputy Conservation Officer stated that a quote had been received for £850 and that work would start in the drier weather.

5. New path across Common Land in Malvern Link

The Conservation Officer stated that this issue had been discussed in 2008 due to the mud conditions on the common. Stone had been added to reduce the mud at that time but the impact of altering the common must be considered. A new path would incur maintenance costs. Concerns were raised about the safety of walking on particular areas of common that are prone to mud, especially at night. The area is also used by people using the railway station who need the provision of a suitable pathway. However this was thought to be a Highways issue.

On the proposal of Mr R Chamings, seconded by Mr C Rouse it was **AGREED** by 10 votes for with 1 abstention that the muddy areas be repaired with clean stone and soil as and when necessary.

6. Gift Fund Projects

6.1 Disabled friendly access points at the Community Woodland. The Deputy Conservation Officer gave a presentation on the issue of access into the Community Woodland and stated that mobility scooter users have difficulty entering the area and that barbed wire also caused problems. There were also issues with the main entrance into the Memorial Orchard; this could be improved by bringing the entrance further into the orchard. The area has several footbridges that could be improved by the addition of handrails. Muddy areas in the Community Woodland could be improved by added stone and coppice the trees either side of the path. Under the Equality Act it is reasonable that adjustments should be made to reduce obstacles, such as styles to increase access.

On the proposal of Mrs E Newman, seconded by Mrs S Adeney, the Deputy Conservation Officer's recommendation to improve the infrastructure and amenities at a cost not to exceed £1645.00 was **CARRIED** by 11 votes for with 1 abstention.

6.2 Black poplar planting and pollarding sponsorship / memorial scheme. The Deputy Conservation Officer gave a presentation and stated that some of the poplar trees on Castlemorton Common are dying. It was further stated that the Memorial Orchard was now full and no further trees could be planted. Rare black poplar trees could be propagated and offered to the public as a memorial tree to be planted on the common to replace the dying trees. The cost of a memorial black poplar tree would be £150.

The Deputy Conservation Officer also stated that in addition to offering a black poplar as a memorial, members of the public could donate to sponsor pollarding an existing ancient tree.

On the proposal of Mr B Pilcher, seconded by Mrs G Rees, the recommendation was **CARRIED** by 11 votes for with 1 abstention.

6.3 Map Digitising. The Conservation Officer introduced Mr David Lovelace, an expert in the field of digital photography. Mr Lovelace explained his experience and demonstrated how old maps can be digitised and overlaid over modern maps. A demonstration illustrated how geographic information systems can line up old maps with modern grid references and then overlay the image on aerial photographs or 3D images. This is useful for the protection and preservation of the old map, to create a second record of the original and allows a new perspective on culturally historical maps. It was suggested that this would be a useful format for the Acts of Parliament and the original 1884 maps as well.

On the proposal of Mrs H Stace, seconded by Mr R Cousins the recommendation to trial the digitisation of 6 key maps at a cost of no more than £1,500 was **CARRIED** by 11 votes for with 1 abstention.

7. Management Plan Review

The Conservation Officer gave an overview of the Management Plan and the various documents that feed into and inform the Plan. The Management Plan communicates what the organisation is trying to do and it is a useful to have maps to illustrate where work is occurring. The next plan should include any new land holdings. It was suggested that the new Plan should also include a visitor survey to compare and contrast against the findings of the visitor survey conducted in 2007 and also any new policies that have arisen in response to new legislation. Information gathering in preparation for reviewing the Management Plan could start immediately. The Conservation Officer stated that officers will prepare a draft report on the review of the Management Plan for the Board’s comments. It was noted that approximately 140 external organisations were consulted in the production of the Management Plan which puts MHC in a strong position if actions are ever challenged. It was noted that this will be a regular item on the agenda.

On the proposal of Mrs S Adeney, seconded by Mrs G Rees it was **UNANIMOUSLY AGREED** to the structure of the process of review of the last Management Plan.

8. Jubilee Tree Planting

The Conservation Officer outlined the various suggestions to celebrate the Queen’s Diamond Jubilee. A discussion ensued. It was clarified that if a copse of black poplars were to be planted, this would be in addition to any memorial black poplars which would be replacing poplars that had come to the end of their life.

On the proposal of Mr R Cousins, seconded by Mrs S Adeney, that both option 3 and option 5 be adopted to provide both an urban and a rural option.

On the proposal of Mr R Chamings, seconded by Mr T Musgrove that the above proposal be amended to also include option 1. This amendment **FAILED** by 5 votes for to 6 votes against and 1 abstention.

On the proposal of Mr C Cheeseman, seconded by Mr T Musgrove that the above proposal be amended to only include option 3. This amendment **FAILED** by 2 votes for to 5 votes against.

The original proposal to adopt options 3 and 5, to dedicate the avenue of 10 oak trees planted last year and to plant a new copse of black poplar trees on Castlemorton Common and to replace some of the dying poplars, was **CARRIED** by 8 votes for to 3 votes against.

9. Easement – The Firs – Morton Green

The Director explained that the property known as The Firs has a track going to the dwelling and the adjoining field which has an agricultural easement. The owner wants to change the use of the easement from agricultural to business use to allow access to 2 yurts (Mongolian tents) that will be holiday lets. The Director confirmed that the owner does not want to upgrade the surface of the easement. The Director stressed that when any change of use of an agricultural or residential easement to business use that the Conservators should seek professional advice.

On the proposal of Mrs H Stace, seconded by Mrs S Adeney, it was **AGREED** by 11 votes for to 1 vote against, that the Conservators explore, with legal and professional advice, as a point of principle, to see how to deal with any transitional change of an easement from agricultural or residential use to business use, and how there may be an opportunity to gain an uplift value if any such business use increases or changes in the future.

On the proposal of Mr D Hawkins, seconded by Mrs E Newman, that the application for a change of use of the easement at The Firs to business use be **REFUSED** was **CARRIED** by 10 votes for with 2 abstentions

10. Easement – Fossil Bank

The Director outlined a request from the owners of 2 Fossil Bank that their current easement to that property be extended to allow access to 3 Fossil Bank which they also own.

On the proposal of Mr C Rouse, seconded by Mr B Pilcher, the recommendation to grant an extended use of this easement to service 3 Fossil Bank for a consideration was **UNANAMOUSLY AGREED.**

11. Agricultural Easement near Marlbrook Farm

The Director outlined the history of an access that services a field at the junction of Marlbrook Farm. The owner of Marlbrook Farm has planning permission to put in a ménage for horses and has requested use of the access for occasional trailers and caravans.

A discussion ensued and the following points were made:

- The easement was granted to the neighbour of Marlbrook Farm, not the owners of Marlbrook Farm.
- The easement was for agricultural purposes only not business use.
- Where someone has planning permission a temporary access may be granted with time restrictions for the work to be completed and with the lodging of a bond to ensure that the common is restored once work is completed.
- If an easement is granted a valuation should be obtained.
- The agreement between the neighbour of Marlbrook Farm and the owners of Marlbrook Farm was a verbal agreement.

On the proposal of Mrs H Stace, seconded by Mrs G Rees, it was **AGREED** by 11 votes with 1 abstention that the Director send a letter to the neighbour of Marlbrook Farm asking that the metal 5 bar gate at the original access be closed off which was an original condition of the agricultural access being granted.

On the proposal of Mrs H Stace, seconded by Mr C Rouse, It was **UNANIMOUSLY AGREED** that a temporary access be granted to the owner of Marlbrook Farm to build a ménage at the farm with the following conditions:

- That the owner of Marlbrook Farm Mr Cole will contact MHC at least 2 months before work on the ménage has begun to request the temporary access that will not last for more than 3 months duration to allow the work on the ménage to be undertaken
- That the offer of granting the 3 month temporary access will be withdrawn after a period of 3 years at which time the planning permission for the ménage will have expired
- Access will cease when the construction work on the ménage is completed

On the proposal of Mr C Rouse, seconded by Mr B Pilcher it was **UNANIMIOUSLY AGREED** that the issue of granting a permanent access to Marlbrook Farm be deferred until the next Committee meeting and after professional advice has been sought.

12. Parking on the Common

The Director explained the issues surrounded car parking, the Byelaws and prosecutions. It was **NOTED** that this would be discussed at the Board's first informal workshop scheduled for the evening of the 9th February 2012 at 7:30 pm at Manor House.

13. Information

13.1 Mill Pond update. The Conservation Officer confirmed that the topographical survey had been completed. Members were advised that this is available for perusal. The next stage is to produce the design and once that has been completed the Conservation Officer will place it before the Board.

13.2 Report of 4C's. The report was **NOTED**.

13.3 Jubilee Celebrations. The Director informed members that the Castlemorton Common Association would like to have a Diamond Jubilee party on the Common as part of the celebrations. The Director also stated that there was a need to publicise in the local area the bonfire on the Worcestershire Beacon which was going to be lit as part of a national chain of fires organised to celebrate the Jubilee.

The meeting closed at 6:05 pm.

9.2 ADMINISTRATION & RESOURCES 16th FEBRUARY 2012

Mr P Tuthill presented the report and proposed its adoption. This was seconded by Mr S Ginn and was **CARRIED** with an amendment to show that Mr P Hughes has moved from the Administration and Resources Committee to the Land Management Committee.

ADMINISTRATION AND RESOURCES COMMITTEE
Manor House, Grange Road, Malvern
Thursday 16 February 2012 at 7:00 pm

Present: Rev'd C Attwood, Mr S Ginn, Miss R Massey, Mr T Musgrove (ex-officio), Mr B Pilcher (ex-officio), Mr D Street, Mr P Tuthill (Chairman).

In Attendance: Director, Administrative Officer, Finance Officer, Financial Consultant, Mr P Hughes, Mr C Rouse and 2 members of the public.

1. Apologies for Absence

Mr M Cordey, Mrs B Nielsen, Mr C Smith, Mr P Watson.

2. Declarations of Interest

Mr P Tuthill declared and interest as a member of Malvern Hills District Council and Malvern Town Council. A discussion ensued regarding when declarations of interest should be made.

3. Chairman's Communications

None.

4. Matters arising from the meeting of 24th November

4.1 9. Pension Working Party. Mr T Musgrove presented a paper and confirmed that a further meeting of the Working Party had taken place since papers had been prepared. It was stated that legal advice had been obtained and once it has been fully considered, that the Working Party would report its findings

to the Administration and Resources Committee meeting of the 19th April 2012 which can then put forward a recommendation at the Board meeting of 10th May 2012. It was further stated that national negotiations between Government and the unions are occurring and that any conclusions that arise from these negotiations, which aim to take effect in April 2014, will inform the Working Party, whose membership includes the Operations Manager as a representative of the workforce.
This was **NOTED**.

4.2 10. Director's Successor Working Party. Mr B Pilcher confirmed that there were 40 applications for the post of Director and that the standard was very high. It was stated that the post had been offered to the successful candidate and verbal references had been taken up, however as a formal exchange of contract remained outstanding the individual could not be yet named. It was hoped the individual would commence employment on the 1st June 2012 or possibly earlier. It was confirmed that the starting salary was in accordance to LG Spinal Column 49. In the interests of risk management, two other candidates were shortlisted in the event of unforeseen circumstances.

On the proposal of Mr B Pilcher, seconded by Mr S Ginn, it was **UNANAMOUSLY AGREED** that the contract be ratified with amendments to the pension, special duties as discussed and to include the spinal column points and yearly increments in the salary structure.

Mr B Pilcher stated that the Conservation Officer has been offered a temporary 2 month position, which may be extended if required, as Acting Director until the successful candidate is in post. The Financial Consultant confirmed that the saving would be £5,000.

It was **UNANAMOUSLY AGREED** that the Conservation Officer be assigned the role of Acting Director for an initial period of 2 months on the lowest pay scale of the Director's post.

4.3 5. Charity Commission Review. The Administrative Officer stated that the Charity Commission has launched a scheme that offers free advice to charities. It is a national scheme and the Charity Commission is asking for charities to volunteer, however only 25 charities will be selected to participate in the scheme. The first workshop that is looking at financial procedures is starting in February, but more areas will be covered in future workshops. MHC has completed a Self Assessment Checklist on Internal Financial Controls which was supplied by the Charity Commission and the results were very good with only a few minor areas that may need addressing.

On the proposal of Rev'd C Attwood, seconded by Mr S Ginn, it was **UNANIMOUSLY AGREED** that MHC volunteers for the scheme, but that it will review this decision if the workload it produces becomes unmanageable.

5. **Worcestershire County Council agreement, Newland, Castlemorton and Powick**

The Director presented a paper and archive documents to illustrate the historical events surrounding the purchase of land in these 3 parishes by MHC and the subsequent additional 3 Board members to represent the parishes, and the associated payments received from Worcestershire County Council. It was explained that MHC took over the management of Tank Quarry from Worcestershire County Council on a 21 year lease. Initially, Worcestershire County Council paid 100% of the costs of managing these areas, but that reduced to 60% and that has further diminished despite the whole area benefiting from the generated tourism associated with the area. The Director explained that he and Mrs B Nielsen approached the County Council with the aim to increase the payments. Mr T Musgrove confirmed that Mrs B Nielsen had suggested that the Board could either approach the controlling party or the council as a whole. Mr P Tuthill stated that if the 3 areas paid the precept, the amount would be in the region of £50,000. The Director confirmed that the costs of maintaining the 3 areas would be provided, however it was noted that the Stewardship contributes to Castlemorton.

It was **UNANIMOUSLY AGREED** that the Director will provide the costs of managing the 3 areas and Mr P Tuthill would work with the staff to provide figures for the following:

- A list of each parish that pays the precept, the number of houses each parish contains and the amount levied for each parish.
- A list of the areas that do not pay the precept, the number of houses in those areas and the potential amount of levy that could be generated if these parishes paid the precept. The costs and the figures would be provided to Committee at the next meeting in April.

6. **Appointment of Auditor**

The Financial Consultant confirmed that Little and Co had been the MHC auditors for some years and that a full audit is required under the Commissioners' Clauses Act.

On the proposal of Mr P Tuthill, seconded by Mr D Street, it was **UNANIMOUSLY AGREED** that the services of an auditor would be put out to tender and that the Financial Consultant would provide a list of audit companies that have local experience, charity experience or both, and also produce a draft invitation to tender letter for the next meeting of the Administration and Resources Committee. It was agreed that the current auditors Little and Co. will be invited to tender.

7. **Gift Fund – Interpretation panel at the Cider Press**
The Director explained how the Gift Fund came about and the types of projects the Gift Fund can support. It was stated that Gift Fund projects should be on the website so that the public can see how their donations are used. The Director agreed to supply the Committee with information regarding delegated authority which allows staff to procure items under a value of £5,000 and the procedures for procuring items over £5,000.

Mr P Tuthill proposed that the Officer's recommendation be adopted on the condition that further quotes are sought. Rev'd C Attwood proposed an amendment that the Officer's recommendation be adopted as stated as it fell within the £5,000 limit that is delegated to officers. This amendment was seconded by Mr S Ginn and was **CARRIED**.

8. **Management Accounts for the 9 months ended 31 December 2011**
The Financial Consultant presented the accounts. It was noted that the car parking revenue has recovered slightly. The Financial Consultant stated that a good rate of interest had been identified and asked whether the Committee wished to invest. A discussion ensued.

Mr P Tuthill moved that the Committee put a motion before the Board and that the Financial Consultant will produce a paper for this item at the next Board meeting detailing information on the investment and will also include a copy of the investment policy. This was **UNANIMOUSLY AGREED**.

The Financial Consultant confirmed that the Higher Level Stewardship Scheme will come to an end and that the reserve funds need to be built up to cover 12 months of the cost of stewardship to prepare for this. It was **AGREED** to address this matter as a separate item on the next Administration and Resources Committee meeting.

The Financial Consultant presented the new format of the Management Accounts. It was **AGREED** to trial the new format for the remainder of the year thereafter it would be reviewed.
It was further **AGREED** that the Land Management budget be further broken down into its various components.

9. **Information**
Mr P Tuthill requested that as the services of a solicitor were going to be put to tender a similar list of potential companies should be collated and brought to the next Administration and Resources meeting. It was **AGREED** that Mr S Ginn put forward some suggestions and that the Director compile such a list and a paper for the next agenda.

The meeting closed at 8:42 pm.

Arising

12. General Fund and the setting the levy. Mr P Tuthill stated that detailed information about the properties within the levy paying area will be available at the next meeting of the Administration and Resources Committee.

7. Gift Fund. The Director confirmed that an information panel will be put up at the Cider Press.

11. Management Accounts. Mr P Tuthill explained that the next set of accounts for the 31st March will be in a new format for the June meeting of the Committee.

9.3 INQUIRY COMMITTEE 12th JANUARY 2012

Rev'd C Attwood presented the report and proposed its adoption. This was seconded by Mr T Musgrove and **CARRIED**.

It was noted that the practice of Committee reports being ratified by the Board rather than the Committee may form part of the Governance Review that will be undertaken once the Inquiry has been completed.

INQUIRY COMMITTEE
Elgar Room, Council House, Malvern
Thursday 12 January 2012 at 6:00 pm

Present: Rev'd C Attwood (Chair), Mrs J Campbell, Mrs L Deller, Mr T Musgrove (Ex Officio).

In Attendance: Administrative Officer, Mrs S Adeney, Mr R Chamings, Mr K Douglas, Mr D Hawkins, Mr T Yapp, Mr P Watson, and 5 members of the public.

1. **Apologies for Absence**
   Mr B Pilcher.

2. **Declarations of Interest**
   None.

3. **Minutes of the last meeting**
   The Chairman of the Inquiry Committee presented the report of the meeting held on 2nd December 2011 and proposed its adoption as a true and accurate record. This was **UNANAMOUSLY AGREED**.

   Matters arising

   The Chairman asked Mr T Musgrove as Vice Chairman of the Board, to report on behalf of the Inquiry Committee two points to members at the Board Meeting due to commence directly after this Inquiry Committee Meeting:

   - That the stepping down of Mr B Pilcher from the position of Chair of the Inquiry Committee and the subsequent appointment of Rev'd C Attwood to Chairman be ratified by the Board.

- That the Board recognised that there had been a previous Inquiry Committee that had reported to the Board, and that the previous Committee had since been dissolved and replaced with the current Inquiry Committee and that the Board recognise and ratify the position of the current Inquiry Committee. Rev'd C Attwood extended his thanks to the previous Inquiry Committee.

4. Legal Advice

Rev'd C Attwood declared a personal interest due to a member of Rev'd Attwood's family being the senior partner at Kingsley Napley, the firm of London solicitors who are providing legal advice to the Inquiry Committee. Kingsley Napley reiterated that the Inquiry must be taken seriously and that in the interests of fairness procedures must be right. Advice will be forthcoming in letter form from Kingsley Napley that will state that all evidence should be public in the public domain except for exempt items. The lawyers have given advice on how the Inquiry Committee could be shaped and what responsibilities the Committee has and will on request provide information on what is, or is not, appropriate for the public arena. Invitations for public submissions will be worded carefully. Adam Chapman (Public Law lawyer with Kingsley Napley) has provided a table of fees at a greatly reduced rate if the Inquiry Committee require his specialist services in the future. The fees are £275 per hour plus VAT or fees for advice from a colleague at £200 per hour plus VAT. Legal advice may be needed to protect individuals or to assist the Inquiry Committee in its work.

Mr K Douglas stated that Mr Adam Chapman has vast experience and has been involved in public inquiries in the past. It was suggested that members look at Mr Chapman's curriculum vitae on the internet.

5. Shape of the process

Rev'd C Attwood stated that the Committee must have access to appropriate documentation and confirmed that information presently available in the Board office has been scanned into an electronic format but that it must now be catalogued by order / provenance. Two points were raised:

- Some secretarial work needs to be done to allow the Committee to have timely access to material.
- All documents must be available to the public as it is a public inquiry therefore documents must be able to be easily accessed.

Rev'd C Attwood stated that other documentation from Harrison Clark will also be made available with the exception of personal notes. Written submissions for evidence will be asked for initially, after which time oral submissions may or may not be invited. Any oral submissions will be made in public with protection and restrictions in place to ensure adherence to the law. Once the Committee has met the first of its Terms of Reference (understanding the events surrounding St Ann's Well Cafe lease renewal) in factual terms, it is possible that personal opinions may also be sought from those parties involved as to appropriate ways forward. Any opinions will be in the public arena.

The Committee will then present their understanding of what happened, (to meet the first Terms of Reference), then suggest how governance may be improved and any other suggestions arising from their work (the second Terms of Reference).

6. Next moves in the process

Rev'd C Attwood stated that the Committee needs to acquaint itself with the scanned material and any other documentation and that the cataloguing of material will start shortly. The Committee will invite written statements of evidence to be submitted and to encourage this, the Committee will write to every present member of the Board and also members of the previous board, as well as any interested parties such as the tenant. However as the Inquiry is public anyone may submit a written factual statement of evidence. The procedures for submitting statements will be as follows:

1. An invitation to submit a statement will be advertised in the local press and on the Malvern Hills Conservators' website.
2. Persons interested in submitting a statement will be asked to write to the Chairman of the Inquiry Committee at Manor House in the first instance.
3. On receiving such a communication, the Chairman of the Committee will send a letter of invitation to submit a statement of evidence. The letter of invitation will be carefully worded and informed by any legal advice the Committee has or will have received. The letter of invitation will contain the Terms of Reference and will state that any submissions must be factual and not opinion.
4. Statement of evidence submissions will be viewed by the Committee before being uploaded to the MHC website, except where content is libellous or otherwise illegally damaging to individuals or organisations. The website will provide access for the public to view scanned documents.
5. When submissions have been received, the Committee will if necessary contact individuals to ask questions or to ascertain a greater understanding of a particular issue or point of fact. Individuals have the right of no reply but any lack of verification will reflect on the questioned item.
6. Confidentiality issues will be judged on merit and advice will be sought where necessary. As the Committee must work within the Malvern Hills Conservators' Acts, some information may be exempt from public disclosure.
7. There is no obligation for an individual to respond to an invitation to submit a statement.

In the interests of fairness and openness, the Chairman invited members of the public to ask the Inquiry Committee questions of at the end of any Committee meeting.

7. Budget

Rev'd C Attwood stated that the Inquiry will incur some costs as the Board had previously been informed (e.g. for travel, administrative costs and legal advice) and proposed that the Committee request that the Board approve an initial budget of £5,000.

It was further stated that the Committee will act prudently as significant funds have already been spent. It was in the interest of the Committee members not to be profligate with their own funds. However to ensure the Inquiry is completed in a serious, complete and professional manner a budget will be required. Any further adjustments to budget will be brought to the Board. A discussion ensued about the level of the budget. It was noted that any funds spent were an investment in the future as the outcome of the Inquiry will instigate positive changes within the organisation's governance.

On the proposal of Rev'd C Attwood, seconded by Mrs J Campbell it was **UNANAMOUSLY AGREED** that the Inquiry Committee request an initial budget of £5,000 at a Special Meeting of the Board.

Rev'd C Attwood commented that the opportunity to talk with Director's Successor Working Party /Appointment Committee to discuss interview questions would be beneficial to the Inquiry Committee. This is because the Committee's Terms of Reference include ensuring effective governance and therefore the person who is offered the post of Director will need to have certain competencies to assist in this process.

8. Date of next meeting

Rev'd C Attwood stated that the timing of the next Committee meeting should be after letters of invitation for submitting statements of evidence have been sent out. Therefore the date of the next meeting will be published in due course. The timing of the meeting will be such that the Inquiry Committee will allow enough time to place items on the agenda of the next Board meeting.

9. Public Questions

A member of the public asked if volunteers could help work on the administrative tasks to catalogue documents or assist in a secretarial role. It was **NOTED** that this should be considered.

A member of the public observed that the focus of the Committee should be the examination of the Conservators' conduct during the St Ann's Well Cafe lease renewal dispute.

The meeting closed 6:55 pm.

Arising

Verbal Report. Rev'd C Attwood gave members an update on the work of the Inquiry Committee. It was stated that written submissions have now been received. A timeline was being developed. Three boxes of documents from Harrison Clark have been examined. The next meeting of the Inquiry Committee is scheduled for the 20th March. A first phase report will be produced after which the Committee may ask for further evidence or clarification of certain points. Once questions have been answered a report will be produced and uploaded onto the website. After this initial first phase is complete a second phase will look at governance issues and will produce recommendations. It was envisaged that the first phase may take 2 – 2 ½ months and that the second stage may take 6 – 8 months to ensure the governance is right.

4. Legal Advice. It was noted that Rev'd Attwood had secured free legal advice to date but that once fees are payable at a significantly reduced rate which has been agreed, that Rev'd Attwood will declare an interest.

10. TO RECEIVE REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

10.1 MALVERN SPA ASSOCIATION

Mr P Watson presented the following report which was **NOTED.**

The Dragonfly presentation given by Peter Garner was terrific and well attended. Peter is also a very active member of the MHC Wildlife Panel.

There have been meetings to discuss the Jacob's Well project in the Malvern Theatre.

The Spa Association is working together with the Earth Heritage Trust.

There will be a Well Dressing evening on the 2nd April talking about techniques for the well dressers. The theme this year is Achievements.

It is reported that the Well Dressing around the Malvern Hills is the biggest single day well dressing event in the UK. The Spa Association gets lots of emails about the event.

On the Queen's Jubilee weekend there are plans to dress Jubilee, Malvinha and Temperance wells.

Mr D Street informed the Board that Dr Grindrod's spout has been refurbished by Malvern College and is to be commemorated on the 6th June in conjunction with the MSA and Civic Society. Dr Grindrod had a water cure practice but was NOT one of the founders.

10.2 MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

Mrs G Rees confirmed the AONB JAC is yet to meet.

11. URGENT BUSINESS

None.

12. NOTICES OF MOTION

12.1 PROPOSED CHANGE TO STANDING ORDERS

Mr B Pilcher presented a paper and explained that current Standing Orders do not take into account the situation of a member holding more than one office of Chair or Vice Chair which may prohibit a meeting of the Urgent Business Sub-Committee achieving the quorum number of attendees.

On the proposal of Mr B Pilcher, seconded by Mr P Watson, it was **AGREED** that Mr R Hall-Jones would be an extra member of the Urgent Business Sub-Committee until November 2012.

The proposal that Standing Orders be amended to state that any Board member can only hold one official post of Chair or Vice Chair of the Board or of a Committee to prevent the situation arising that only two people could hold all official posts **FAILED** by 7 votes for to 11 votes against.

12.2 INVESTMENT POLICY

The Financial Consultant presented a paper and informed the Board that a good rate of interest was currently being offered by Clydesdale Bank.

On the proposal of Mr P Tuthill, seconded by Mr C Rouse, it was **AGREED** by 19 votes for with one abstention, that an account should be opened with an initial investment of £25,000.

13. INFORMATION

13.1 ST ANN'S WELL WORKING PARTY REPORT

Mr C Rouse informed the Board that a Planning Officer had met at the site to look at the maintenance of the building and in particular at the windows. Plastic windows were not favoured. The most urgent work needed was to the windows, doorway and roof and it was hoped this work could be completed before Easter. Other work can be done at a later date and if necessary funding would be sought from the Administration and Resources Committee. It was noted that the budget for all maintenance work to all buildings owned by the Board was only £3,000. It was suggested that some work may be able to be funded from Capital Funds.
It was further noted that the work outlined in item C would be at the tenants own expense.

13.2 MANAGEMENT REPORT

The Director presented the report which was **NOTED**.

MANAGEMENT REPORT

DATE: 8 March 2012

DIRECTOR

- Attended a Castlemorton Commons Association meeting.
- Gave a talk to Holland House Cropthorne, Malvern Hills District Footpath Society and Priory lunch box.
- Met with Halls at Marlbrook Farm.
- Met with the Clerk of Colwall Parish Council to show her the issues on the land in Colwall.
- Attended Malvern in Bloom meeting with Deputy Conservation Officer.
- Attended a meeting of Powick, Malvern Wells, West Malvern and Colwall Parish Councils.

CONSERVATION OFFICER

- Site visit to look at work at Midsummer and Ballard's Land with the DCO.
- Board member induction training.
- Work planning meeting for the Special management areas with Warden and DCO.
- Meetings with contractors x 6.
- Meeting with Chairman of the Malvern Community Forest.
- Meeting with Landscape specialist at the Hacketts.
- Meeting with BT over placement of Wifi boxes.
- Director interview day.

- Meeting with local reptile expert about work on the Hills.
- Malvern butterfly group annual meeting.
- Meeting with the Malvern Route to the Hills representative.
- Meetings with Natural England x 2.
- Meeting with the Forestry Commission.

DEPUTY CONSERVATION OFFICER

- Visited Special Management Areas with Warden and Volunteers.
- Talked to Worcester University environmental conservation students.
- Oversaw work of Malvern Community Forest group.
- 3x Laurel Eradication sessions at Earnslaw with Volunteers.
- Commissioned additional Tree Safety survey and received quotes for removal of two dangerous trees and organised replacement trees with Operations Manager.
- Organised tree planting at Ballard's Land with Operations Manager.
- Black poplar propagation for Memorial Scheme.
- Managed contracts at Midsummer.
- Met with English Heritage.
- Met with Natural England.
- Met disabled member of public about access improvements at Community Woodland.
- Met Vice Chairman of Land Management Committee about Community Woodland.
- Designed and purchased interpretation sign for Community Woodland Memorial Orchard.
- Commissioned interpretation sign for cider press.
- Met member of the public about a tree removal request.
- Met Wyvern FM about potential dog advertisement.
- Met Chairman of Land Management Committee about scrub clearance.
- Attended Butterfly Conservation meeting.

FIELD STAFF

- Scrub clearance at Broad Down.
- Scrub clearance at the pool at Newland.
- Worked with contractor to level and add stone to the zig-zag path at Upper Colwall.
- Cleared scrub on Hangman's Hill.
- Cleared scrub on Raggedstone Hill.
- Pollarded black poplar trees at Castlemorton.
- Worked with contractor to flail re-growing scrub at Castlemorton.
- Planted oak trees at Barnard's Green.

WARDENS

- Reported damaged railings to highways.
- Arranged a press article and photographs promoting the tree planting day.
- Attended Worcester Wardens Partnership meeting.
- Attended the Hills Butterfly Group meeting.
- Completed new conservation programme for March and April.
- Arranged for contractor to clean bus shelter.
- Liaised with Administrative Officer over a letter to the residents of Wyche Road regarding parking.
- With Deputy Conservation Officer met with the Voluntary Site Warden on site.
- Arranged a group meeting with the Voluntary Site Warden.
- Delivered leaflets for the Walking Festival.
- Byelaw breaches:

Plants on the Common	3
Contractors and Utilities	8
Garden waste	3
Signs	3
Flytipping	3
Stray sheep	2
Mountain bikers advised not to ride on bridleway	21
Missing person (notified by police)	1
Unauthorised parking	3
Lost dog	1
Easement issues	2
Car for sale	1
Motorbike on Common	1

VOLUNTEERS

Conservation Day activities:

- 99 volunteers attended the conservation days in January and February.
- Berrington Quarry, glow worm site. On-going clearance of ash trees which are causing shading of glow worm habitat, which is flower-rich grassland.
- Mill Pond Orchard, Golden Valley. Planting several new apple trees, plus clearing the brambles from around some of the long established trees.
- Parkwood, West Malvern. Helping local coppice worker use a traditional form of woodland management that benefits many species including dormice.
- Dingy Skipper Field, the Purlieu. Clearing low-growing brambles from this old flower meadow to help the nationally rare dingy skipper butterfly.

ADMINISTRATION

- Site meeting with Halls at Fossil Bank.
- Assisted with recruitment and selection for the post of Director.
- Site visit with Wardens to Old Wyche Road.
- Site visit to Colwall with the Director and representatives of Colwall Parish Council.

Mr R Hall-Jones noted that item 2 should read Cropthorne not Copthorne.

Arising

Marlbrook Farm. The Director confirmed that Halls met on site to ascertain the access requirements. Halls will report back to the Land Management Committee and will also look into the issue of an easement changing from agricultural usage to business.

The Firs, Castlemorton. The Director informed the Board that the application for an easement had been refused.

The meeting closed at 8:22 pm.

Signed.. 10th May 2012
Chairman