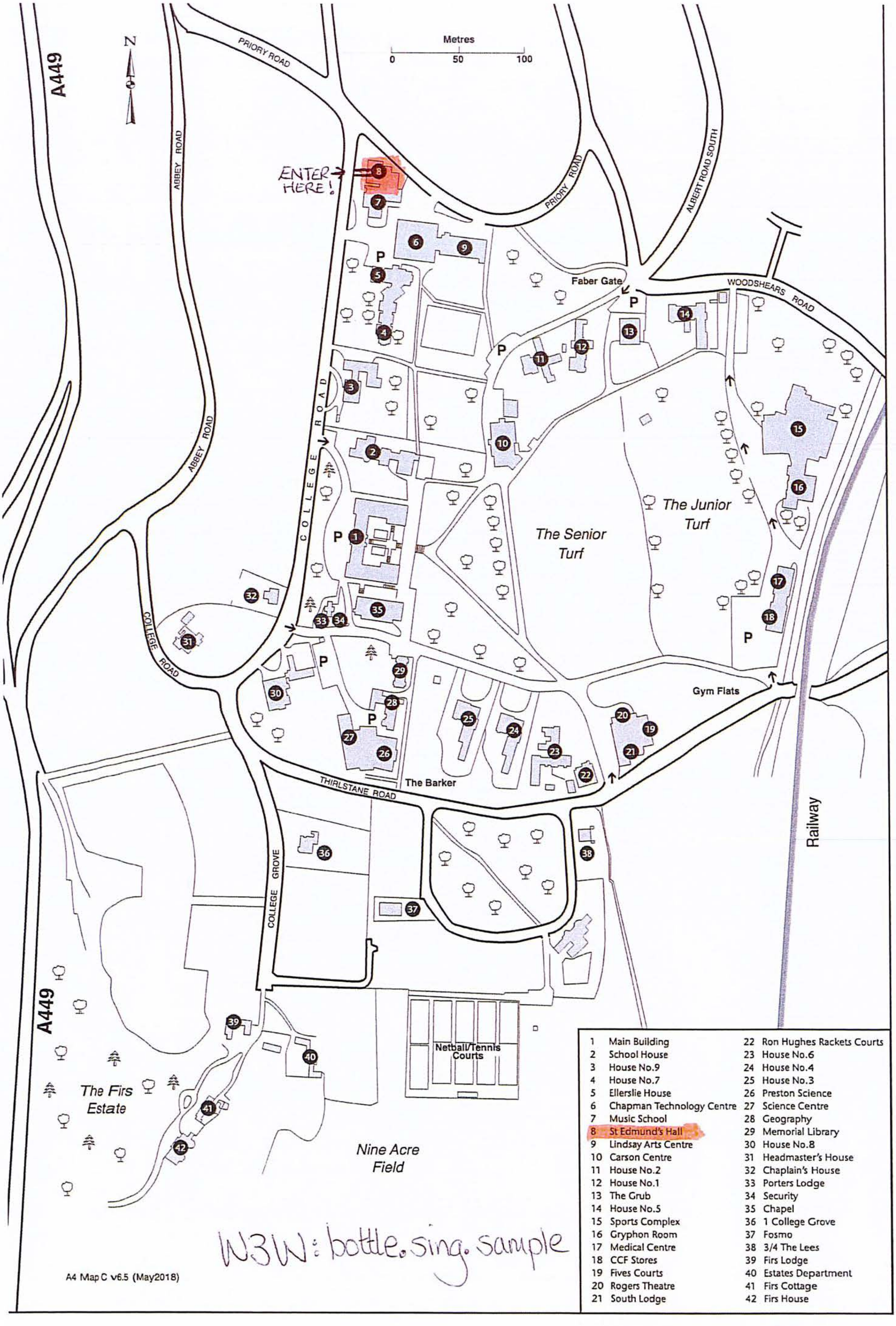
Malvern Hills Trust

# Special meeting of the Board

## Thursday 5 October 2023 7.00pm

St Edmunds Hall,
College Road,
Malvern WR14 3DL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The Junior Turf
Gym Flats
The Barker
THIRLSTANE ROAD
COLLEGE GROVE
Railway
Netball/Tennis Courts
The Firs Estate
Nine Acre Field
W3W: bottle.sing.sample
A4 Map C v6.5 (May2018)
1 Main Building
2 School House
3 House No.9
4 House No.7
5 Ellerslie House
6 Chapman Technology Centre
7 Music School
8 St Edmund's Hall
9 Lindsay Arts Centre
10 Carson Centre
11 House No.2
12 House No.1
13 The Grub
14 House No.5
15 Sports Complex
16 Gryphon Room
17 Medical Centre
18 CCF Stores
19 Fives Courts
20 Rogers Theatre
21 South Lodge
22 Ron Hughes Rackets Courts
23 House No.6
24 House No.4
25 House No.3
26 Preston Science
27 Science Centre
28 Geography
29 Memorial Library
30 House No.8
31 Headmaster's House
32 Chaplain's House
33 Porters Lodge
34 Security
35 Chapel
36 1 College Grove
37 Fosmo
38 3/4 The Lees
39 Firs Lodge
40 Estates Department
41 Firs Cottage
42 Firs House

**Board Meeting – Thursday 5th October 2023**

St Edmunds Hall
College Road
Malvern
WR14 3DL

Located on the Junction of Priory Road & College Road

W3W: https://w3w.co/bottle.sing.sample

## Special Meeting of the Board
### St Edmunds Hall, College Road, Malvern WR14 3DL
### Thursday 05 October 2023 7pm

### Agenda

1. Apologies for absence
2. Chair's Announcements
    - Arrangements for approval of the accounts and appointment of auditors
3. Declarations of Interest

   Trustees are reminded to keep their Register of Interests up to date
4. Public Comments
5. To approve the minutes of the Board meetings of 3 & 17 August 2023 — To follow, includes confidential pages
6. **Governance Committee**

   6.1 To confirm the accuracy of the minutes of the meetings held 20.09.2023

   6.2 Chair of Committee to present the minutes and matters arising

   6.3 Board to adopt the report and any recommendations

   **5. To approve updates to Governance Handbook**

   To approve the proposed revisions to the Governance Handbook

   **7. To appoint a working group to undertake preparatory work on the private bill**

   To appoint a working group comprising Mr Atkins, Prof Raine, Mr Clayburn, Mr Core, Mr Fellows to meet with the Parliamentary Agent and prepare provisional timetable and work programme.

7. **Finance Administration and Resources Committee**

   7.1 To confirm the accuracy of the minutes of the meetings held 21.09.2023 — including confidential pages

   7.2 Chair of Committee to present the minutes and matters arising

   7.3 Board to adopt the report and any recommendations

   NB there are resolutions for approval from the confidential part of the meeting and if there are any questions or comments they will need to be taken in the confidential part of the meeting.

   **7. Approval of Letter of Representation**

   That the Chair of the Board should sign the letter of representation on behalf of the Board

   **8.6**

   That the Board authorise expenditure of up to £10,000 from the Countryside Stewardship Reserve Fund for the purchase of a quad bike to replace the bike currently used by the grazier of the Northern and Central Hills.

   **14 Update the Privacy Policy** — (Paper A)

   That the Board approve the adoption of the revised Privacy Policy

   **See other confidential resolutions**

8. Arrangements for Trust elections — Verbal update
9. Update on arrangements for Private Bill — Verbal update
10. Reports

    10.1 Health and Safety — Paper B

    10.2 GDPR — Verbal update

    10.3 Conservation Manager's Report — Verbal update
11. Urgent business

12. Date of next meeting
    19 October 2023
13. Confidential
    Resolution to exclude the public for discussion of item 7 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 (personnel & commercially sensitive matters).

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**CONFIDENTIAL**

14. Update on staffing arrangements
15. To approve salary range for SttB post — Paper C
16. Possible land acquisition — Paper D

**If you or anyone in your household has experienced any Covid symptoms in the last 7 days, please do NOT attend this meeting unless you have a negative lateral flow test result on the day of the meeting. Symptoms are commonly runny nose, sore throat, headache, fatigue and sneezing and not necessarily a cough, fever or loss of sense of taste or smell.**

Seats will be placed socially distanced within the venue - please don't move the chairs closer to others unless you have checked that they are happy for you to do so.
Members of the public who wish to attend are asked to notify cindy@malvernhills.org.uk (or write to Mrs L Parish at the Trust's office), in advance of the meeting, giving their name, E-mail address and contact number.

Malvern Hills Trust
Governance Committee
Castlemorton Parish Hall, Castlemorton WR13 6BE
Wednesday 20 September 2023 8.00pm

**Present:** Mr C Atkins (Chair), Dr S Braim, Mr D Core, Mr M Davies (non-voting), Mr D Fellows, Mrs C Palmer(non-voting), Ms H Stace.

**In attendance:** Secretary to the Board, Mr R Fowler, Mr C Rouse, 2 members of the public.

Mr Atkins welcomed everyone to the meeting.

1. **Apologies for absence**
   Mr P Clayburn, Prof Raine, CEO.

2. **Chair's announcements**
   There were none.

3. **Declarations of interest**
   There were none.

4. **Public comments**
   See schedule.

5. **To approve updates to Governance handbook**
   The Secretary to the Board said that the Governance Handbook needed to be updated prior to the appointment of the new Board to reflect current practice, and to update some of the wording. It was not intended to be a full review of the principles reflected in the Handbook.
   The Committee went through the suggested amendments in the paper. Some additional points were raised as listed below. A general point was made that the Handbook needed a more thorough review to make it more digestible in due course.

   **Preface**
   One punctuation change.
   **Introduction**
   Months into chronological order. Remove reference here to byelaws.
   **Membership of the Board**
   Nominations by Worcestershire CC should say "for" the parishes of Castlemorton etc. There was a discussion about whether to reference the position of replacement trustees appointed during the 4 year term.
   **Staff Structure**
   Line missing in the table to indicate that Operations Manager is line managed by the CEO.
   **Terms of Reference Board**
   Split "Role of the Board and supporting committees" to a separate page
   Change from bullets to numbers or letters.

Change "appropriately accountable" to "take account of".

**Role of the Board and supporting committees**

Move words in bold above the tables to the top of the section.

There was a discussion about whether to leave decisions in relation to wayleaves and easements with LMC as well as with the board, and it was decided to maintain the status quo.

**Terms of reference for members of the Board**

Reinstate the bullets at the start of the section. If repeated, remove elsewhere.

There was a debate about whether to include a point about the position of trustees who disagreed with a decision, but it was decided not to suggest any amendment.

**The Board - Role and Duties of the chair and vice chair**

Bullet 5 – change the words in brackets to "ensuring that all trustees have the opportunity to contribute to discussions and decision making."

**Governance Committee TOR**

Add "Reviewing the Trust's existing governing legislation and considering what changes might be required".

Bullet 3 – this was not solely a Governance Committee responsibility – should be included for all committees.

Should in the responsibilities of officers included ensuring trustees were made aware of changes in legislation?

Include "Maintaining an awareness and understanding of the external environment in which MHT is operating" in all committee ToR.

Add "with other committees" to bullet on risk management.

Reference identifying training needs in connection with the skills audit.

**Governance Committee - Role and duties of chair and vice chair**

"Assist with the preparation of the annual budget" (delete "for the Governance Committee")

**FAR ToR**

Change "make" to "formulate" on the first line.

5th bullet change "reduce" to "monitor and control".

**Finance, Administration and Resources Committee – role and duties of chair and vice-chair**

Chair <u>and vice chair</u> at the beginning.

3rd bullet from bottom – remove reference to levy payers' meeting.

Remove "annual clearance meeting" from 4th bullet from bottom and say "attend meetings with…"

There was a discussion about responsibility for reviewing the byelaws (which is shown in the tables a joint responsibility of FAR and Land Management). The Secretary to the Board said she did not think it was a matter for Governance Committee who were involved with the governance of the Trust, not the external environment.

**LMC Terms of Reference**

Reinstate reference to wayleaves and easements

Add "review" in relation to the Land Management Plan

"Approving" not "preparing" the Land Management budget.

**Land Management Committee – role and duties of chair and vice-chair**
Change "lead" in first line to "work"
**TOR Staffing**
No changes
**Staffing Committee – role and duties of chair and vice-chair**
"Lead" to "work" in first line.
**Delegation of duties**
This was messy as a result of piecemeal alterations in the past and needed a full review. Use of verbs was erratic.
Take out reference to "part time"
Line 1 "ensure" not "ensuring" and "established" not "set up" in line 3
Page 30 under Reporting arrangements bullet 4 "annual meeting"
Page 32 update reference to financial authorisations.
Page 32 – Add "Ensuring relevant legislation is brought to the attention of trustees".
Page 35 – Under Conservation Manager – second item should read "Land" Management Plan.
Take out "sympathetic" under CEO duties line 8.
Page 36 – Line 3 "Draw up".
Page 38 – Take out "Respond to requests from the Operations Manager".
**Standing orders**
Mr Fellows had some points he would like considered in due course, but he accepted they were not necessarily appropriate for the current review. Principles could be examined by the post November 2023 Board once they had a full understanding of their duties and responsibilities.
Syntax needed to be consistent.
1 – Alter to "MHT business will be conducted by the Board and the 4 committees".
Adjournments should be to the next available date.
There had been a discussion about whether it should be a requirement that members of the Governance Committee should have been on the Board for at least a year but it was agreed that this should be a material consideration but not for Standing Orders.
11 – There was a discussion about at which meeting the accounts should be approved. To state it should be at the September meeting was unduly prescriptive. The accounts had to be filed 10 months after the accounting year end. It was left for a proposal to reword the section to be drafted outside the meeting.
The Commissioners Clause Act was silent about any arrangements for the conduct of the meeting.
16.3 – There was a discussion. The reason behind that sub-paragraph was that if there was a divergence of views in the room, it was the role of the chair to ensure that all points of view were aired before moving to a decision.
Mr Fowler raised the point that, within the roles and responsibilities sections there was no responsibility for stakeholder engagement. It was agreed that this needed to be addressed in due course.
On the proposal of Mr Core, seconded by Mr Fellows it was **RESOLVED** unanimously to recommend to the Board the approval of the revisions to the Governance Handbook including the changes set out above.

6. **Items for Governance Committee after 1 November 2023**
   The list which had been circulated was **NOTED.** A further revision of the Handbook should be included.

7. **To appoint a working group to undertake preparatory work for the Private Bill**
   The terms of reference for this Working Group would be to meet with Parliamentary Agent and prepare provisional timetable and work programme.

   On the proposal of Mr Core, seconded by Dr Braim it was **RESOLVED** unanimously to recommend to the Board that the working group comprise Mr Atkins, Prof Raine, Mr Clayburn, Mr Core, Mr Fellows.

8. **Timing and conduct of meetings**
   The Admin Assistant had circulated a provisional meeting programme for the start of the new Board year.
   Board meeting 16 November
   LMC on 7 December
   FAR on 14 December
   Staffing Committee 4 January
   Board meeting 18 January
   Governance Committee 25 January.

9. **Trustee training**
   The Secretary to the Baord and CEO were putting together an induction programme, possibly to start on 2 November. It was suggested that some of the training might take place by Zoom but it was agreed that face to face meetings would allow the new Board to get to know each other. Mr Davies pointed out that some outside organisations ran trustee training course.

10. **Urgent business**
    There was none. The Secretary to the Board confirmed that some revisions to the Privacy Policy would be put to the Finance Administration and Resources Committee on 21 September.

11. **Date of next meetings**
    25 January 2024 or sooner if required.

**The meeting closed at 10.00pm.**

Schedule

From Dr G Crisp

Papers for tonight's meeting were only made available on the public MHT web site yesterday. This is not helpful for public engagement and the Trust's reputation.

On 9th March the board was presented with, and approved a motion which lacked a verb and therefore had no meaning. I do not know what effect the passing of that resolution has had and my request for clarification as to the resolution's meaning has not been answered since I raised the matter with the Trust on the 9th of March of this year.

I ask the Governance committee to implement in their review of the governance handbook the inclusion of additional robust provisions to ensure that the public are properly informed about their meetings in a timely way and that the boards proposed resolutions are reviewed and scrutinised in advance to ensure that, if passed, they are robust. It is clear that the present processes fail in this regard.

# Malvern Hills Trust

Finance Administration and Resources Committee
Thursday 21 September 2023 7.00pm

**Present:** Mr D Core (Chair), Mr M Davies, Mr D Fellows, Mrs L Hodgson, Mr C Penn,

**In attendance:** CEO, Secretary to the Board, Finance and Administration Manager (FAM), Financial Assistant, Dr T Parsons, Mr C Rouse, 2 members of the public, Mrs K Parkin (Azets).

Mr Core welcomed everyone to the meeting.

1. **Apologies for absence**
   Prof J Raine, Mr D Watkins.

2. **Chair's communications**
   Officers reminded those present that trustees should consider using "bcc" if sending E-mails to multiple recipients, as E-mail addresses could be personal data and that MHT E-mail accounts should only be used for Trust business.
   - There was a briefing for those considering standing for election on Monday 25 September at Lyttelton Well. Election packs were now available online and at the office.
   - There were some items of urgent business:
     - A confidential item relating to a contractual arrangement
     - Unbudgeted expenditure items

3. **Declarations of interest**
   There were none.

4. **Public comments**
   There were none.

   The FAM asked to take agenda items 5 & 7 together

5. **Final Management Accounts for year ending 31 March 2023**
   **To review Trustees' Annual Report and Accounts for year ending 31 March 2023 & recommend approval of those and the Letter of Representation to the Board**
   The narrative of the Trustees Annual Report had been agreed at the Board meeting on 3 August 2023. The financial data had now been inserted and the revised draft had been circulated for the meeting. There were adjustments which had been identified following circulation of the papers.
   The FAM reported that as a consequence, following the meeting of 13 July there had also been adjustments to the management accounts to 31 March 2023 and these were detailed in the accompanying paper.
   The FAM went through the changes to the Trustees Annual Report which had been circulated.

a) Page 1. The name of the auditors was Azets Audit Services.
b) Page 2. Rationalise the format of the dates.
c) Page 13. Add "which is accounted for as custodian funds as a result of Countryside Stewardship" in the penultimate line on the page after "Castlemorton Delivery Group".
d) Page 14. Under "Investment Powers and Policy", the narrative needed to be updated in 2 places to reflect that there were now 3 portfolios.
e) Page 22. The auditor's report needed to be inserted.
f) Page 24. The headings on the balance sheet needed re-formatting.
g) Page 24. Current assets – livestock. The basis for valuation had been changed to use the figures included at the start of the grazier's tenancy agreement (June 2021).
h) Page 25. The statement of cashflows had not been finalised and needed to be amended prior to preparation of the final version of the accounts.
i) Page 25. The full balance of the Flagstone accounts had been included but part (in a 185 day notice account) should not have been classed as cash.
j) Page 28. Note j – the basis of valuation of the livestock needed to be amended (see above).
k) Page 28. Note p. A reference needed to be made to the 185 day notice account which was classified as a current investment asset.
l) Page 29. Note q. The section should also include a reference to the LGPS deficit.
m) Page 30. Note 4. No adjustment was required but by way of explanation, the number of easements and wayleaves granted varied from year to year.
n) Page 30. Note 5.The employment allowance should have been contra'd against Employers' National Insurance contributions, and this would be explained at the relevant points in the notes.
o) Page 30. Note 6. The FAM intended to note the factors which had contributed to the difference between the 2022 and 2023 figures. The details of depreciation were in note 14.
p) Page 31. Note 7. The decrease shown in the Stewardship grants was in part a result of the requirement to hold the funds for the Castlemorton Countryside Stewardship Scheme in a separate account for the delivery group. These accounts were set out separately on pages 51 and 52. In addition there had been a late RPA payment which was settled in 2022.
q) Page 32. Note 9. Auditors' fees had increased as a result of the levy payers' appointment of a different firm of auditors.
r) Page32. Note 10. The note needed to be amended to split out the CEO's salary as it was over the threshold for disclosure.
s) Page 33. Note 14. The Secretary to the Board said that the "other land" referred to was the field at Hollybed Common, Castlemorton.
t) Pages 36 & 37. The auditors had indicated that the level of detail shown was not required. The committee was content for the details to remain. Mrs Parkin said other charities did not usually give a breakdown, but some

gave a broad classification of the asset types – equities, bonds, property, cash.

u) Page 38. Note 18. Azets had recommended an adjustment between trade creditors and accrued charges. The CS delivery group figure needed to be removed in this note which in turn would affect the cash balances shown but the two changes would have no net effect on the result for the year. Mrs Parkin confirmed she was happy with the control arrangements for the separate management of the funds.
v) Page 43. More narrative was needed to fully describe the different restricted funds.
w) Page 45. Note 24. The heading needed to be changed to "post balance sheet events *financial* and capital commitments".
x) Page 46. The schedule had been updated by Azets which would be shown in the final version of the accounts.
y) Page 48. Change "Experience" to "Actuarial" in two places 6 & 7 lines from the bottom of the page.
z) Page 51. The headings were incorrect – the years should be 2022 and 2021.

6. **Auditors' Key Issues discussion document**

Mrs Parkin went through the Audit Findings Report which had been provided to trustees. She thanked the Trust staff who had assisted with the audit.
Subject to the presentational adjustments highlighted above, the audit opinion was unqualified and there were no matters to report around "going concern". None of the changes proposed impacted materially on the charity's surplus in the year.
There had been a discussion around deferred income (parking passes). If a pass was purchased in, say, January, technically only 3 months' worth of that income was attributable to the year of purchase and the remainder should be deferred and held to be recognized as income in the following year. Broadly speaking the income level would be the same year on year therefore the impact in any one year would be minimal. The staff would look at this in the next financial year.
The audit included looking at the design of internal controls. No material weaknesses or significant deficiencies were recorded. The Audit also examined significant risk areas which included defined benefit pension liability. The valuation of that liability seemed reasonable and it was disclosed and presented in line with the FRS 102 requirements. The assumptions which underpinned the valuation of the liability were reasonable and consistent with the auditor's knowledge and experience.
On being asked about the difference between the FRS valuation and the triennial valuation, Mrs Parkin said the figures that went into the accounts were a snapshot in time and were an accounting adjustment. The main point to note was that the liability would not crystalise at the present time. The practical consideration was whether the charity was able to fund the deficit recovery going forward. These were set at the triennial valuation. There was useful Charity Commission guidance

on defined benefit pensions although it was around 10 years old, but the principles had not changed. The assumptions used by the WCC Pension Fund actuaries were in line with other pension funds that Azets had seen across the UK.
Mr Core thanked Mrs Parkin for attending the meeting. He had noted her comments about the high quality and timely support she had received from the team at the Trust and thanked her and the Trust staff for a great effort given the backdrop of the changes that had occurred. This view was endorsed by the committee.

7. continued.
On the proposal of Mrs Hodgson, seconded by Mr Penn it was **RESOLVED** unanimously to recommend to the Board the approval of the accounts (subject to the adjustments noted above) and that the Chair should sign the Letter of Representation on the Board's behalf.
Mrs Parkin and Dr Parsons left the meeting.

8. **Reports for information**

8.1 **Review of major projects** (Including Land Management)

The CEO gave updates on a number it items. He apologised that the suppliers had not delivered the interpretation board for the Donkey Shed.
There had been a delay in completing the restoration of the bowl at St Ann's Well as the stone originally suppled to the stone masons contained a flaw.
The building at Colwall Lands had been completed and signed off.
The sidearm flail had been delivered.
The replacement of the wardens' vans with electric vehicles had proved problematic because of a lack of supply capacity for two charging stations at Manor House. The CEO was waiting to hear from National Grid whether it would be possible to upgrade the supply. The charging points themselves would cost around £4,500 (less a possible grant of around £700). He had also looked at the installation of solar panels and battery storage, but the cost would be around £22,000.
A grant would provide 2/3 of the cost of the new bowser. The balance would be paid from the BPS fund.

8.2 **GDPR**

There were no data breaches to report, but there had been an issue with a service provider which the CEO would bring to the trustees' attention in the confidential section.

8.3 **Management accounts to 31 July 2023**

The FAM asked if there were any questions on the paper. She confirmed that the July figures did not reflect any possible backdated pay award. The CEO understood that a flat rate award of £1,925 was being offered by the employers[1]

Mr Davies asked for car park takings to be split out on the report into passes and tickets issued at car parks.

8.4 **Fund-raising, legacies and grants group**

There had been no meeting, but one would need to be convened to look at budgets for 2024/25. The final installment of the legacy from the late Mr Stubbs had been received. A bench would be placed on Worcestershire Beacon in his memory.

8.5 **Red flag items off risk schedule**

There were no major changes but there were a number of ongoing action points.

The issues arising from changes to the MHDC warding arrangements could only be rectified through a new Act of Parliament.

3.1 - The Trust was working hard to ensure the public were fully informed - information was being provided on the website and on social media about the elections.

3.5 – The Trust was working to communicate with parish councils and the District Council. County Councillors had also been contacted. Mr Davies said that MHDC had nominated 6 councillors to join the Board (3 of whom were existing trustees).

4.5 – The recruitment process was underway to replace the Secretary to the Board and interviews were scheduled for 3 October 2023.

The weather had not been good in September and car park takings might well be below budget. Tree safety inspections were starting in October and this would give an indication of whether the condition of diseased trees had worsened. Risks were from ash dieback, sudden oak death and phytophthora.

8.6 **Exercise of the CEO's delegated expenditure powers**

The CEO had mentioned at a previous Board meeting that the trailer the Trust needed would cost more than the sum budgeted (by £2,700). Some high level sides were also required which would cost £1,700 and which the CEO would authorise under his delegated authority. There was a trade in value for the old trailer.

There were 2 items required which had not been included in the capital budget.

Franking machine. An option had been identified to purchase a new machine for £995. The 5 year annual maintenance charge for the present machine was £2,700 but the 5 year cost for the new machine (including purchase cost) was £1,600. The CEO would authorize this out of his delegated expenditure

[1] for employees earing under £49,950.

Quad bike. The Trust was required under its agreement with the grazier to provide certain equipment including a quad bike. The existing bike had reached the end of its serviceable life and replacement had not been included in the budget. The cost of replacement was between £6,500 and £9,450. . Payment would come from the Countryside Stewardship reserve fund for Northern and Central Hills. The CEO's view was that it would be preferable to purchase a new vehicles. The cost would be written off over 6 years. The grazier's license had another 5 years to run and the CS agreement a further 4 years.

On the proposal of Mr Core, seconded by Mr Fellows it was **RESOLVED** unanimously to recommend to the Board that they authorise expenditure of up to £10,000 from the Countryside Stewardship Reserve Fund for the purchase of a quad bike to replace the bike currently used by the grazier of the Northern and Central Hills.

8.7 **Property – Manor House refurbishment**

The CEO reported that there had been no progress on this project due to lack of staff time and that would remain the case for the foreseeable future.

8.8 **Recruitment update**

The CEO had suggested that the interview panel should be the Chair, Vice Chair, Mr Core and Prof Raine.

9. **Urgent business**

There was a confidential item.

10. **Date and time of next meeting**

14 December 2023.

11. **Confidential**

On the proposal of Mr Core, seconded by Mrs Hodgson it was **RESOLVED** unanimously to exclude the public for discussion of item 12 on the agenda and the urgent business 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 (information relating to an individual/commercially sensitive matter).

**The meeting closed at 9.50 pm**

Paper A
For decision



# Malvern Hills Trust privacy policy – members of the public and third parties

**Malvern Hills Trust (MHT) treats the privacy of members of the public and website users very seriously and takes appropriate security measures to safeguard their privacy. This Policy explains how MHT protects and manages any personal information (data)* shared with it and that it holds, including how MHT processes and protects that data.**

**Readers of this policy are also referred to MHT's 'Data Protection Statement'.**

**Commented [BB1]:** Removal of this line – redundant document

** Personal information (data) means any information that may be used to identify an individual, including, but not limited to, a first and last name, a home or other physical address, email address or other contact information.*

## Who is the Data Controller?

MHT is the Data Controller. MHT is a registered as a charity in England and Wales, with the legal name Malvern Hills Conservators, number 515804.

The registered address is: Manor House, Grange Road, Malvern WR14 3EY.

## What kinds of personal data does Malvern Hills Trust process?

MHT collects personal data for specific purposes. The following table gives a list of some of the types of personal data that MHT may collect, either directly from yourself or from other sources, in order to achieve those purposes.

**Commented [BB2]:** Insert "some of"

| If you are a: | We may process these types of personal data: |
|---|---|
| Job applicant/ temporary staff/Volunteer | Name, address, telephone number, email, bank details, medical history, work and education history |
| Customer (pass holder) | Name, address, email, vehicle registration |
| Neighbouring land owner | Name, address, telephone number, email, property details |
| Trustee and candidate trustees | Name, address, telephone number, email, date of birth, nationality |
| Sub-contractor | Name, address, telephone number, email, bank details |

**Commented [BB3]:** Insert "and candidate trustees"

## What are the purposes Malvern Hills Trust collects personal data for?

Malvern Hills Trust uses personal data firstly to fulfil any contractual obligations that exist between MHT and yourself; where MHT requests personal data be provided to enter into, or meet the terms of any such contract, you will be required to provide the relevant personal data or MHT will not be able to deliver the goods or services you want. In such cases the lawful basis of MHT processing the personal data is that it is necessary for the performance of a contract.

MHT is required by law to process personal data for purposes relating to its legal obligations, these include:

Paper A
For decision



- Providing for the organisation's financial commitments, or to relevant financial authorities,
- Complying with regulatory requirements and any self-regulatory schemes,
- Cooperating with relevant authorities for reporting criminal activity, or to detect and prevent fraud,
- Investigating any insurance claims, claims of unfair dismissal, claims of any kind of harassment or of discrimination, or any other claim whereby the organisation may have to defend itself.

Where MHT has received your consent to do so, MHT will use your personal data for the following purposes:

1. To provide newsletters available through online signup to the general public,
2. To send stockwatch updates available through online sign up to the general public,
3. To sell you a car park pass.

You may withdraw your consent for MHT to process your personal data for purposes 1 to 3 above at any time. After a withdrawal of consent request is received, MHT may have to contact you to verify the request.

**Commented [BB4]:** Clarification that withdrawal of consent refers to points 1 to 3

Withdrawing your consent for MHT to process your personal data will not affect the lawfulness of the processing beforehand.

MHT will also process personal data to achieve its various legitimate charitable interests; these are purposes that have been defined by MHT where we have balanced the necessity on our part to process the data for each purpose against your own expectations, interests and legal rights.

MHT's legitimate interests for processing personal data are:

- To provide goods and services where they have been requested,
- To send notification on subjects to individuals who have asked to be kept informed (i.e. subscribers),
- To invite people to participate in research and surveys in fields and disciplines they are interested in,
- To send notifications of any changes to the goods and/or services provided that may affect people,
- To provide reference information to third party organisations where requested, or where necessary.

MHT may process personal data where it is necessary to protect your own, or another person's, vital interests, or where it is necessary for the performance of tasks which are carried out in the public interest.

## Where does Malvern Hills Trust obtain personal data from?

MHT will collect personal data directly from you in various ways. This could include when you complete an online form, or if you provide the data directly to a representative of MHT.

Paper A
For decision



## Who will Malvern Hills Trust share your personal data with?

In order to achieve the above stated purposes for which MHT processes your personal data, MHT may have to share your personal data with some specific third-party organisations.

MHT will make all reasonable efforts to ensure that any third-party it shares your personal data with is also compliant with data protection law.

The third parties MHT may share your personal data with include:

- Third party organisation acting as either data processers or data controllers where it is necessary to provide goods or services that have been requested, or to achieve our charitable purposes,
- Third party data processers or data controllers necessary to setup various resources.

The specific types of third-party MHT my share your personal date with include:

- Lawyers,
- Land agents.

Malvern Hills Trust is not responsible for the data protection compliance of any of these third parties.

## Where will Malvern Hills Trust store your personal data?

MHT will not transfer your personal data to any country outside the European Union (EU) other than those that have been granted an adequacy decision under the General Data Protection Regulation.

## How long will Malvern Hills Trust keep your personal data for?

MHT will keep your personal data only for as long as required in order to achieve the purposes for which it was collected, in line with this privacy notice.

The following criteria apply that determine the period for which MHT will store your personal data:

- Until MHT is no longer required to do so in order to comply with any regulatory requirements or financial obligations that we are subject to.
- Until MHT is no longer required to do so by any law it is subject to.
- Until all purposes for which the data was originally gathered have become irrelevant or obsolete.

Where the lawful basis of MHT's processing is based on protection of vital interests and insofar any relevant health and safety obligations apply, MHT may retain your personal data for up to 40 years.

## Complaints or queries under the GDPR

MHT tries to meet the highest standards when collecting and using personal information. For this reason, MHT takes any complaints received about this very seriously. MHT encourages people to bring it to their attention if they think that MHT's collection or use of information is unfair, misleading or inappropriate.

This privacy notice was drafted with brevity and clarity in mind. It does not provide exhaustive detail of all aspects of MHT's collection and use of personal information. However, MHT is happy

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to provide any additional information or explanation needed. Any requests for this should be sent to the address below.

If a member of the public wishes to make a complaint about the way MHT has processed their personal information, they can contact the ICO as the statutory body which oversees data protection law.

www.ICO.org.uk/concerns.

## Access to personal information

MHT tries to be as open as it can be in terms of giving people access to their personal information. Individuals can find out if MHT holds any personal information by making a 'subject access request' under the GDPR. If MHT does hold information about an individual MHT will:

- give the individual a description of it;
- tell the individual why MHT is holding it;
- tell the individual who it could be disclosed to; and
- let the individual have a copy of the information in an intelligible form.

To make a request to MHT for any personal information please put the request in writing to MHT at the address provided below.

If the individual agrees, MHT will try to deal with their request informally, for example by providing them with the specific information requested over the telephone.

If MHT does hold information about and individual, they can ask MHT to correct any mistakes by contacting the MHT address below.

## Links to other websites

This privacy notice does not cover the links within this site linking to other websites. MHT encourages members of the public to read the privacy statements on the other websites visited and for users of social media, those of Facebook and Twitter.

## Changes to this privacy policy

MHT keeps its privacy policy under regular review. This privacy policy was last updated on 21st February 2021.

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## How to contact MHT

To request information about MHT's privacy policy or to request access to personal information email info@malvernhills.org.uk or write to:

Malvern Hills Trust
Manor House
Grange Road
Malvern WR14 3EY

## Who is MHT's Data Protection Officer?

Ametros Group Ltd
Lakeside Offices
Thorn Business Park
Rotherwas Industrial Estate
Hereford
HR2 6JT

Tel 0330 223 2246

Email dop@ametrosgroup.com

www.ametrosgroup.com

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## Appendix - Reasons why members of the public may contact MHT

Members of the public contact MHT for many reasons, including:

1. Visitors to MHT's website,
2. E newsletter recipients,
3. People who contact MHT via social media,
4. People who email MHT,
5. People who make a complaint to MHT,
6. People buying car park passes,
7. Easement applicants,
8. People applying for fishing permits,
9. People attending events,
10. People submitting tenders,
11. Breaches of byelaws,
12. People who commit parking offences,
13. Members of other organisations working with MHT,
14. Neighbours making enquiries relating to land and property.

### 1. Visitors to MHT's website

Two cookies are in use on the site www.malvernhills.org.uk

One is for Google Analytics which stores the user's activity but nothing unique about the user themselves on the site. This data is transmitted via the Secure Socket Layer (SSL) technology and stored with Google.

The second cookie only affects those who log in to the administration section of the website (the website editors themselves). This cookie stores some information on the machine to tell the website that the user is authorised to log in to the backoffice. No personal data is kept in this cookie apart from the username of the user logged in.

### 2. E-newsletter

MHT uses a third party provider ~~V8 Media~~Design in the Shires to deliver e-newsletters. The email addresses of all subscribers to the newsletter are kept secure via MD5 hashing within a database. For people wishing to unsubscribe their information can easily be removed, on request.

**Commented [BB5]:** Update to reflect change in provider

### 3. People who contact MHT via social media

MHT manages its social media interactions in house, using Facebook and Twitter.

Private or direct messages received via social media will be securely stored by MHT for three months. They will not be shared with any other organisations.

### 4. People who email MHT

Emails are passed through a secure spam filtering system at eSterling and are held on MHT's secure server. MHT does not share personal email addresses with ~~anyone~~ any marketing company or organisation outside MHT without the specific consent of the sender of the email. MHT may share personal data with third party service providers acting as either data processers or data controllers where it is necessary for them to provide goods or services to MHT

**Commented [BB6]:** Clarification of when data will not be shared.

**Commented [BB7]:** Clarification of requirement to share personal data with third parties where necessary.

MHT will monitor any emails sent to it, including file attachments, for viruses or malicious software. Please be aware that members of the public have a responsibility to ensure that any email sent to MHT is within the bounds of the law.

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## 5. People who make a complaint to MHT

When MHT receives a complaint from a person it makes a written record of the details of the complaint, including the name, address and contact details of the complainant. MHT only uses the information supplied to it to deal with the complaint. The records are stored in a locked facility on MHT's premises.

MHT keeps personal information contained in complaint files in line with its retention policy. This means that information relating to a complaint is retained for two years from closure. It is retained in a locked facility and access to it is restricted to MHT staff and trustees only according to the 'need to know' principle.

## 6. People buying car park passes

The following details are collected when people apply for a car parking pass:

- Name
- Address
- Vehicle registration number
- Email address (annual passes only)
- Pass number

These details are stored on an in-house database, access to which is password controlled. The details are kept for one year following the expiry of the pass, after which they are deleted. The details are not shared with anybody else.

The email addresses are used to send out reminders to renew annual passes only.

## 7. Easement applicants

People applying for an easement are required to complete an application form and submit it to the office. The details are securely stored in paper form and digitally.

The information on the form will be shared with MHT's legal advisors, land agents or other professional advisors if the application is successful, in order to process the application.

## 8. People applying for fishing permit

People applying for a fishing permit are required to complete a form and bring it into MHT's office. The completed forms are stored in a locked facility. Details of permits issued are stored on a database and retained for one year after the permit expires.

The personal data from the form would only be shared with law enforcement authorities in the event of a breach of MHT's byelaws or the law.

## 9. People attending events

MHT runs a number of free to attend events each year. The details (name and contact number) of people booking a place on an event are recorded on a written sheet and kept in a file in a secure cabinet on MHT premises. They will be destroyed within 3 months of the event.

## 10. People submitting tenders

MHT has tendering guidelines in place for contracts with a value in excess of £10,000. Details of all the tenders submitted are held on file in a locked facility until the completion of the audit for the financial year in which the tendering exercise took place.

## 11. Breaches of byelaws

When a person is in breach of MHT's byelaws, they will receive written notification of the breach and details of MHT's actions in connection with the breach. Personal details and information on the breach may need to be shared with law enforcement agencies and MHT's lawyers.

Information on all breaches is securely stored in perpetuity.

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### 12. Parking offences

People parking in breach of MHT's byelaws are issued with a parking charge notice. The vehicle registration number will be sent to the DVLA to trace the owner of the vehicle. The details obtained will be used to contact the owner of the vehicle to obtain payment of the parking charge. MHT is required to comply with the DVLA's regulations and is subject to regular inspections from the DVLA. Information received from the DVLA must be deleted after 2 years.

MHT may share the information received from the DVLA with legal advisors or debt collection agencies in the event of non-payment of the charges.

### 13. Members of other organisations

MHT works with a number of local organisations. Personal details of representatives from those organisations will be held in order to communicate, share information and set up meetings. These details will not be shared with anyone else and will be deleted when the individual and/or organisation is no longer involved with MHT.

### 14. Neighbours making enquiries relating to their land or property

With 3,000 acres of land under its custody, MHT receives many queries from neighbours such as easement and boundary queries. MHT stores all correspondence relating to neighbouring properties in a locked facility on MHT's premises. Correspondence is kept in perpetuity, to provide a permanent record of decisions reached and agreements made.

Paper B
For information

# Special meeting of the Board

## Health and Safety Report

5th October 2023

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1. **Health and Safety Incidents.**

| | | |
|---|---|---|
| Reported Accidents in the period | 23/06/23 to 25/09/23 | 0 |
| Reported Accidents in last 12 months: | | 5 |
| Notifiable Accidents in last 12 months: | | None |
| Near Miss reports in period | | 1 |

2 **Training**

Staff are currently booked onto the following training courses in the next 2 months

| | |
|---|---|
| Emergency First Aider - Refresher | 1 |
| First Aid at Work | 2 |
| First Aid at Work - Refresher | 2 |
| Side Arm flail operation for tractor drivers | 3 |

3 **Vibration testing and monitoring.**

In line with the Health and Safety Executive regulations, external providers are being sought to provide vibration health assessments for those operators using machinery close to or in excess of Exposure Action Levels. These assessments are expected to be undertaken in October / November of this year.

Duncan Bridges
CEO
25 September 2023