

23 March 2023

Malvern Hills Trust

Ordinary Meeting of the Board

Castlemorton Parish Hall, Castlemorton WR13 6BE

Thursday 23 March 2023 7pm

Present: Mr C Atkins, Mr D Baldwin, Mr R Bartholomew, Dr S Braim, Mr D Core, Mr M Davies (Chair), Mr D Fellows, Mr R Fowler, Mrs L Hodgson, Mr J Michael, Mrs C Palmer, Dr T Parsons, Mr C Penn, Prof J Raine, Mr C Rouse, Mrs M Turner, Mr D Watkins.

In attendance: CEO, Secretary to the Board, 3 members of the public.

Mr Davies welcomed everyone to the meeting.

1. Apologies for absence

Mr P Clayburn, Ms H Stace, Dr D Westbury.

2. Chair's announcements

There was an item of urgent business.

3. Declarations of interest

There were none.

4. Public Comments

There were none.

5. Allocation of further funds for legal expenses arising out of Local Government boundary changes

The Secretary to the Board had prepared a paper setting out the position.

The CEO said that the general fund budget for legal fees was currently underspent and he thought some of that could be made available for legal fees in relation to the problems arising from ward boundary changes.

On the proposal of Mr Bartholomew, seconded by Prof Raine it was **RESOLVED** unanimously to increase the budget for legal costs in connection with the repercussions from the ward boundary changes to £20,000.

The Secretary to the Board reported that Harriet Baldwin had had a follow up meeting with the Minister, Lee Rowley. The question of whether the Department of Levelling Up would take action to assist the Trust remained unresolved. They were still awaiting legal advice on whether an order could be made under s 67 Local Democracy, Economic Development and Communities Act 2009 ("s67"). The Department had been in touch with the District Council who had confirmed that they believed they could run an election in October 2023 based on the old ward boundaries. Officers said they thought this still left the Trust open to challenge.

Mrs Baldwin raised the question of whether the issue could be resolved by an amendment to the Levelling Up Bill currently going through the House of Lords. It was agreed that to make a direct amendment to the Malvern Hills Acts via this Bill

would create a hybrid instrument. This would have to follow a different Parliamentary process and delay the Bill, which no one wanted. The Trust's Parliamentary Agent had put forward an alternative proposal to amend the 2009 Act itself, to remove any ambiguity about whether it could be used in these circumstances

Following the meeting, Mrs Baldwin asked Baroness Stuart to propose the Trust's amendment to the Levelling Up Bill in the Lords. An under minister from the Department responded that they thought the amendment was inappropriate and said the Department was trying to assist the Trust in other ways. The amendment was withdrawn.

Mrs Baldwin had put in a lot of effort on the Trust's behalf and confirmation was still awaited from the Department about whether a s 67 Order could be used. The Trust were now taking advice on the risk to the Trust and to the Returning Officer, when running the 2023 elections. The Malvern Hills Acts would still need to be changed, even if the Council could run the 2023 election based on the old boundaries.

6. Urgent Business

The CEO explained that there were a number of cultivation-related items in the capital acquisitions part of the next year's budget (rotovator, roller, flail, harrow). The grader belonging to the Trust needed to be replaced and was a higher priority than these items, so he wished to make a substitution in the budget. The cost was similar. The grader could also be fitted with a snow plough adapter which could be used on the car parks.

On the proposal of Mr Core, seconded by Mrs Hodgson it was **RESOLVED** unanimously to make the substitution in the budget for 2023/24 as requested.

7. Date of next meeting

11 May 2023.

8. Confidential item

Mr Fowler queried why item 9 was in the confidential part of the meeting. The Chair responded that this was because information was likely to be discussed that related to remuneration of staff. On the proposal of Mrs Hodgson, seconded by Prof Raine it was **RESOLVED** (with 3 votes against) to exclude the public for discussion of item 9 & 10 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 (HR matters).

The meeting closed at 8.20pm