

NOTE: The page numbers comprised in the Bundle are specified in black on the top right hand corner of each page.

This Statement comprises pages 1-3 of the Bundle

My Lords and Lady,

I am the current Chair of Guarlford Parish Council, a village having only 208 adults on the register of electors, that lies some 3 miles to the east of the town of Malvern. My family and I have lived in the village for some 37 years. Residents of Guarlford are lucky enough to enjoy spectacular views of the Malvern Hills and associated commons and the approach to Malvern from the east is iconic in the extreme. The Hills and commons are managed by Malvern Hills Trust (formerly known as "Malvern Hills Conservators") ("MHT") and many of the commons, verges and other associated areas of land are owned by MHT.

I attach copies of photos recently taken (pages 11 and 12 of the Bundle) to give you an idea of the area we are talking about. The Photo on page 11 of the Bundle is taken from the B4211 ("the Guarlford Road") a short distance to the west of Guarlford looking towards the Hills and showing common grassed areas on either side of the Guarlford Road which belong to MHT. The Photo on page 12 of the Bundle is taken from the Guarlford Road looking towards Guarlford to the east and also shows the common grassed areas on either side belonging to MHT.

I have put the issues that need to be addressed on behalf of the Parishioners my Council represents in writing as I am not an advocate and at the tender age of 81 with health problems I need to keep my stress levels as low as possible.

A copy of the Petition lodged on behalf of the Parish Council is attached for your convenience (pages 4-10 of the Bundle). It was purposely detailed with a view to fully setting out the concerns the residents of Guarlford wish to have addressed. I believe it to be one of over 50 Petitions against the Bill (an exceptional number), one of which was from a past Chair of MHT, Mrs Cynthia Palmer, who had publicly accused her co-trustees on the MHT Board of bullying and belittling her for telling the truth, a startling situation. The exceptional number of Petitions against the Bill which were lodged is I imagine due in part at least to active encouragement from our local MP, Dame Harriett Baldwin – please see the January 2025 extracts from our local newspaper (The Malvern Gazette) attached (page 13 of the Bundle) and the copy article appearing in the Malvern Gazette on 20/12/2024 in which Dame Harriett urges people with concerns to petition against the Bill (page 14 of the Bundle).

I wish to stress to the Select Committee that like so many people I am sure that the work MHT does to preserve and enhance the Malvern Hills is and always has been greatly valued - we always look to MHT to protect the Hills.

It is most unfortunate although I fully recognise that this Committee cannot fully address the problems that have arisen, that MHT chose a course of action that denied proper engagement and consultation which has resulted in substantial costs which the levy payers will ultimately have to bear and which could have been completely avoided with honest dialogue. The proposed Bill was openly and publicly claimed to be a Consolidation Bill but which when seen after it had been lodged with the House transpired not to be so. It is a Consolidation Bill but with substantial amendments, having been rushed through to be lodged by the November 2024 deadline as evidenced by the substantial number of amendments the Promoter has been making during the course of the Select Committee's hearings. I attach (pages 15 and 16 of the Bundle) a copy of an Agenda for a meeting of MHT Board members to be held on 18/01/2024 which refers to the proposed passage of a resolution

to proceed with the preparation of a Private Bill which if passed by Parliament would be a consolidating Act. I spoke as a member of the public on behalf of Malvern Environmental Protection Group ("MEPG") at the board meeting on 18/01/2024 and reminded Board members that the proposed Bill if passed would be a consolidating **and amending Act**. I attach a copy of my address to the board (pages 17 and 18 of the Bundle). In the event it was resolved that MHT should seek a Private Bill to update its governance with a view to lodging the Bill in November 2024 and that if passed by Parliament would consolidate (only) the existing 5 Malvern Hills Acts. A copy of the Minutes of the board meeting on 18/01/2024 can be made available if required

Turning to the issues as set out in the Parish Council's Petition and dealing with the paragraphs set out therein I would wish to make the following additional comments:-

Para 2 Point 1.

The issue of electing Trustees was addressed on Tuesday 3rd March when the Lord Hope chairing this Committee came up with what we feel is a very sensible suggestion of addressing the balance of elected Trustees and nominated Trustees. The proposal for 8 elected and 6 nominated would most certainly give the comfort and reassurance those I represent are entitled to, given the fact that they are required to pay the levy.

The Committee may wish to consider one further step and that would be a proposal that of the 6 nominated Trustees 4 should be nominated by Malvern Town Council, Malvern Hills District Council/its successor and the two County Councils, Worcestershire and Herefordshire. This would then additionally provide for accountability for the levy payers in respect of this hybrid public body/charity

Para 2 Point 2.

The Parish Council over an issue concerning an easement secured an Opinion from Mr Chris Buttler of Matrix Chambers over the status of MHT. I am aware that M/s Jessica Jones of Counsel who represented MEPG on Tuesday 3rd March endorsed Mr Buttler's Opinion having discussed matters with him. That Opinion is that MHT is a hybrid Public Body. We identified that the substantial problems that have arisen in the governance of the current Board is as a direct result of an attempt to proceed as a Charity and a Charity alone. In legal terms I understand that simply is not possible. Indeed as the Lord Inglewood identified in an earlier hearing where there is a conflict between Charity and Public Law the Board should have been prioritising its Public Law obligations.

The reason the Parish Council is concerned about the Board's status, a concern shared by the Lord Attlee, goes to the root of major concerns dealing with property development and the effect upon the Natural Aspect of the Hills and Commons. The Board has potential to grant many easements which could cost a potential developer millions of pounds.

Pursuant to Public Law which we believe the Board is attempting to ignore its hands would be tied by previous decisions. Its refusal on good grounds to grant an easement for vehicular access across the Common on the Guarlford Road (known as the Rose Farm Development) in March 2019 sets a precedent in respect of any future applications of a similar nature. I am aware that M/s S Satchell, an officer employed by the Board, advised the Select Committee that MHT was not involved with planning matters. She did however attend before the South Worcestershire Development Plan Inspector's meeting in March 2025 and gave a clear indication that an easement required to build 180 houses off Guarlford Road at Mill Lane would not be problematic and that Heads of Terms were

being agreed even though this has not yet been placed before the Board of Trustees for consideration. It is this problem from Guarlford Parish Council's perspective that emphasises the necessity for an 8/6 split on any new Board and accountability provided by local Council and County Council nominations

Para 2 Point 3.

The Lord Attlee has directed this Committee to look at the levy paying area and effectively explore whether the unfairness that currently exists between levy and non-levy paying areas can be addressed. It can. MHT decided NOT to consider extending the levy area, not the Charity Commission as has been claimed (see page 19 of the Bundle being a copy of a letter from the Charity Commission in response to a Freedom of Information request made by an individual.) This could easily be addressed. Existing levy areas could be consolidated. The 8 proposed elected Board members would be sufficient to represent all existing levy paying areas by simply consolidating (a) Guarlford Parish Council and the nearby Chase Ward and (b) Mathon and Colwall with one elected Trustee for each of those two combined areas. As for addressing the current non-levy paying areas if the Promoters had chosen to include section 31 of the 1884 Act (copy attached as page 20 of the Bundle) in the new Bill (which was never consulted upon) the question of extending the levy areas would still be open for a new Board in the future to deal with and address. Therefore the Bill should be amended to include section 31 (suitably updated).

Para 2 Point 4.

Guarlford Parish Council fully endorses the arguments put forward by M/s Jessica Jones of Counsel representing MEPG on 3rd March 2026. We consider the views from the Hill to be just as important as the views to the Hills

Para 2 Point 5.

Again Guarlford Parish Council fully endorses the representations made by M/s Jessica Jones of Counsel on behalf of MEPG on 3rd March 2026 with the additional grave concerns as to how any General Power could be misused if at any time a future Board was in a position to sell easements to developers and receive what could amount to millions of pounds, in the process undermining 140 years of protection of the Malvern Hills which are a national asset.

Finally I would like to add that jointly with representatives from MEPG I met with the Chair of MHT, Mr John Michael, in October 2024 in an endeavour to see if the concerns of the Parish Council and MEPG could be meaningfully addressed but we were met with total intransigence.

M G Huskinson

11 March 2026

Petition

House of Lords Session 2024-25 Malvern Hills Bill

Do not include any images or graphics in your petition. There will be an opportunity to present these later if you give evidence to the committee.

Your bill petition does not need to be signed.

Expand the size of the text boxes as you need.

1. Petitioner information

In the box below, give the name and address of each individual, business or organisation(s) submitting the petition.

Guarlford Parish Council

In the box below, give a description of the petitioners. For example, "we are the owners/tenants of the addresses above"; "my company has offices at the address above"; "our organisation represents the interests of..."; "we are the parish council of...".

We are the Parish Council of Guarlford. We represent the Parishioners, who pay the levy imposed on our Parish by Malvern Hills Trust (formerly known as Malvern Hills Conservators) ("MHT") through their Council Tax. Land which is owned and/or managed by MHT lies within the Parish, and certain Parishioners have property which neighbours MHT land, in some cases having easements over MHT land.

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are directly and specially affected. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the Committee. You will not be entitled to be heard on new matters.

1. The proposals would see our Parish no longer able to elect a trustee despite the fact that all Guarlford residents pay a levy through Council Tax to MHT. There should be no taxation without representation. Our Parishioners should be able to call the MHT

board to account but there is nothing in the Bill to allow for this. Further, should there be a need for 'Nominated' Trustees our Parishioners should be eligible.

2. **MHT is a public body** whatever MHT says and this should be made clear in the Bill. FOCOM ("Friends of the Commons of Malvern") now known as Malvern Environment Protection Group ("MEPG") took a senior Barrister's legal opinion in October 2018 at a time when MHT was proposing to grant vehicular access over Common Land under its jurisdiction to unlock for residential development a very substantial area of farmland adjacent to Chance Lane (300 plus houses). The Barrister advised that **MHT is a public body** – it receives a large amount of money by way of precept from the public. Being a public body MHT has various very significant obligations designed so that public confidence in it will not be eroded – to act in a fully transparent way, to consult widely at the formative stage of proposals, to take proper account of all representations made and **very importantly** to act in a way consistent with previous decisions. The remedy for breach is court action for judicial review which could involve MHT being judged liable to pay very substantial legal costs. In the event MHT in March 2019 by a very large majority refused to grant vehicular access to the farmland off Chance Lane. Clearly there are dangers of similar situations arising in the future which could change the face of Malvern and the Hills we all love with increased urbanisation and ruin the most iconic approach to Malvern from the east.
3. The Bill provides MHT with the **power to acquire additional land** within 9 miles of Malvern Priory. This would give MHT the ability to potentially acquire another 160,000 acres and yet MHT does not propose to amend the levy-paying areas, or provide suitable funding mechanisms. Although the Bill does permit MHT to apply to the Secretary of State to extend the levy-paying areas to newly acquired land it seems unlikely that in practice MHT will do so as substantial costs are likely to be incurred. How can this be justified? Does it not mean that our Parish together with other levy-paying Parishes will have to meet this potential ever-increasing financial burden?
4. MHT plans to **remove from the objects or purposes of MHT the requirement to maintain the natural aspect of the Hills and Commons under their jurisdiction**. Currently MHT is required to preserve as far as possible the **natural aspect** (which is a well understood phrase used widely by many authorities including H M Govt) of the Malvern Hills and Commons and to keep them **unenclosed and unbuilt on** as open spaces for the recreation and enjoyment of the public. The objects/purposes now proposed in the Bill are "to protect, conserve and maintain the landscape, natural appearance, habitats, flora and fauna, geology and archaeology of the Malvern Hills and to keep the Hills unbuilt upon as open space for recreation and enjoyment of the public." This will remove as precedents decisions made by MHT over the past 140 years to protect their landscape from inappropriate development and easement applications (eg the decision of MHT to refuse to grant the vehicular right of way to unlock development off Chance Lane). Thus under the amended objects/purposes MHT could grant easements over common land/verges worth millions to unscrupulous developers. Further there is no mechanism in the Bill to ensure that Trustees prioritise protecting the 'natural aspect' and looking after the Hills and Commons, including views to/from

them, in favour of making decisions which would clearly grant MHT very lucrative sums of money (likely to be in the region of millions of pounds).

5. Of concern is the **general power** sought viz an unrestricted general power to deal with unforeseen issues that might arise with no safeguards. Note the dangers this brings. Very wide and sweeping powers/actions are possible, which would allow a small group in charge of MHT to change the whole basis of how this public body runs itself in the future and could lead to a situation which undermines 140 years of protection of the Malvern Hills and Commons (which are a National Asset) until now. No evidence has been presented to suggest this power is required. No evidence has been presented to suggest suitable work has been completed to consider any form of 'unintended consequences'. There is a very real risk of there being unintended consequences that simply to date have not been considered let alone debated by the MHT board. This power, together with the additional powers sought to buy/sell land, the power to borrow and engage in undefined ancillary activities, further add to the suggestion this organisation seeks to commercialise its activities, which would clearly be contra to the original intentions of the founding Conservators.
6. It should also be noted MHT have wrongly and publicly characterised the Bill as a consolidating Bill. They did so for a considerable amount of time in a vain attempt it is believed to avoid full and proper public attention and scrutiny of their plans. It is not – it is a consolidating **and amending** Bill. MHT have failed to provide full and frank responses to questions presented by Guarlford Parishioners recently as they have sought to gain a full and proper understanding of the proposals. It should also be noted that MHT consulted members of the public on certain proposals to be included in their Bill, we would suggest then in the main ignoring the feedback from the residents of Malvern and the surrounding areas, including Guarlford residents. Neither the public, nor specifically the residents of Guarlford were consulted on the actual contents **of the Bill itself**. Consultation was therefore flawed.

3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections. You do not have to complete this box if you do not want to.

You can include this information in your response to section 2 'Objections to the Bill' if you prefer. Please number each paragraph.

1. We wish to remain able to elect our own Parish Representative. We would propose a Board of 29 is inappropriate, but a Board of 12, constituted as suggested is not appropriate either. The vast majority of Trustees should continue to be elected by respective Parishes, and the Board should also have representatives from Malvern Hills District Council, Worcestershire County Council, Malvern Town Council and Herefordshire Unitary Authority.
2. Parliament should unequivocally detail that MHT is a Public Body, and therefore act as such, and subject to Freedom of Information requests.
3. The Bill should seek to address the levy paying area issue, as well as limit the potential to acquire both further 'purpose land' and 'ancillary land'. The Bill should clearly state what purposes ancillary land can be purchased and used for. The annual percentage increase in the levy should be capped at the rate applied by Malvern Hills District Council to its annual increase.
4. The objects should remain unaltered. No positive purpose is served by their amendment. The Bill should not include the power (even with the authorisation of the Secretary of State) to fence off any portion of the Hills or Common for any purpose. The Bill should not include or make reference to the Sandford principle. The Bill should ensure the original intentions of the founding Conservators, and the will of Parliament in 1884 is preserved, so as to ensure the Hills and Commons can be accessed by, and enjoyed by the Public in perpetuity. The Bill should make it quite clear what the priorities of MHT ought to be, which is not to facilitate inappropriate development on or adjacent to this precious National Landscape.
5. A General Power should **not** be granted. It is hoped Peers in this session of Parliament will consider the arguments and wisdom of their colleagues who so eloquently detailed why such a power was not necessary in 1993, prior to the Malvern Hills Act 1995 reaching the statute books. Additional powers sought to buy/sell land, to borrow and engage in undefined ancillary activities, should be restricted to prescribed and necessary activities only. Any powers in this Bill which allow MHT to commercialise their activities should be removed, such that the Bill is fully in alignment with the original intentions of the founding Conservators.

6. Parliament ought to insist that the actual Bill itself is consulted upon and consideration of the feedback received from the general public and all MHT Trustees is meaningfully considered.

Next steps

Once you have completed your petition template, save it and either submit it via the petition portal: <https://committees.parliament.uk/work/1322/petitioning-against-the-monken-hadley-common-bill/> or email it to hlprivatebills@parliament.uk or post to the Private Bill Office, House of Lords, London, SW1A 0PW.

Petitioner's details

Organisation/group name (if relevant)

Guarlford Parish Council

First name(s)

Michael

Last name

Huskinson

Address line 1

Address line 2

Post code

Country

Email

Phone

Who should be contacted about this petition?

Individual above ☐

Another contact (for example, Roll A Agent or other representative) ☒

If another contact, complete the 'main contact's details' section.

Main contact's details

First name(s)

Last name

Address line 1

Address line 2

Post Code

Country

Email

Phone

Terms and conditions

Personal information

A copy of this petition and information provided in the online form will be:

- kept in the Private Bill Office and as a record in the Parliamentary Archives.
- sent to the Bill's Promoter after the petition has been received by the Private Bill Office.

We will publish your petition on UK Parliament's website. This will include your name and address.

The personal information you have provided may be kept in a database by both Private Bill Offices.

Communications

Private Bill Office staff may call or email any of the people named in the petition to verify the information provided.

Communications may be stored in databases to keep track of information you have given or received. This information may be shared between the Private Bill Offices.

Consent and confirmation

The information you have provided in the petition and online form is accurate.

If you have completed the form on behalf of an individual, a group of individuals, an organisation, or a group of organisations, you have been authorised to do so.

☒ **Check this box if you agree to the terms and conditions**





18 Jan 2025

13

Chance to give views on hills bill

By Harriett Baldwin
West Worcestershire MP

BEFORE Christmas I attended a session in committee room two of the House of Commons where experts assessed the new Malvern Hills Bill to make sure it was compliant with standing orders.

It's an arcane process that starts the scrutiny of a piece of legislation that has generated much debate in and around Malvern over recent months.

The Malvern Hills Conservators were created by an Act of Parliament in 1884 to protect the beautiful landscape and it was the first piece of legislation in the world specifically created to protect the natural environment.

It has done fine work for many years but the present management wish to adapt this legislation to make it better suited to modern day practices.

That means introducing a new bill reducing the number of trustees from 29 to 12 and creating additional powers to control the use of, and access to, the Malvern Hills land.

Many readers on this side and the other side of the Hills pay taxes to the trust and vote in their elections so I am confident they will have views they wish to share with legislators as the bill starts its passage through both houses.

There is then a very narrow window — between January 22 and January 30 — for local residents to make representations about the bill to parliament.

Petitions can be made online by e-mailing hlprivatebills@parliament.uk.

The legislation will first be introduced to the House of Lords and I'm meeting with peers who may wish to scrutinise the bill.

The decision of the house to examine these issues in a committee will be affected by the number and range of representations received.

The Malvern Hills are our most precious natural asset and the existing acts have largely stood the test of time and protected our hills.

I know we all share the wish for future generations to look back on the changes to the existing acts with the same sense that we showed great responsibility for our precious natural environment.

Timeline for bill

READERS have expressed interest through your letters page regarding the bill proposed by the Malvern Hills Trust.

The Malvern Hills Bill was lodged in parliament on November 27.

It can be read online or physically at the Malvern Hills Trust office on Grange Road.

It has now been verified by the Clerks of the Houses of Parliament as being compliant with Standing Orders and will be given a date for first reading soon after parliament returns on January 6, starting in the House of Lords.

There is then a very narrow window — between January 22 and January 30 — for local residents to make representations about the bill to parliament.

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The new bill will see a formal change in name of the trust, a reduction of trustees from 29 to 12 and additional powers to control

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The decision of the House of Lords to examine these issues in a committee will be affected by the number and range of representations received.

Readers will want the new Malvern Hills Bill to stand the test of time in the way the original legislation has done.

DAME HARRIETT BALDWIN
West Worcestershire MP

Please note the email address is now different to that previously released.

You can petition

I WOULD like to thank Dame Harriett Baldwin MP for encouraging residents to petition against the new Private Bill that Malvern

Hills Trust has submitted to parliament.

The trust calls itself a charity and not a public body but how can it be when £700,000 of its £1.2 million income is paid by us as a charge through our rates bill?

If this bill is successful it will consolidate the previous five bills and change things completely.

The trust intends to reduce the board of trustees from 29 to 12 of which six will be nominated for their 'skills' and will be able to live anywhere in the country.

The remaining six will be elected by the levy payers but will not be able to represent them.

Is this fair as there should be no taxation without representation?

To petition is free and easy.

CYNTHIA PALMER
Malvern Hills Trust former chair

Start the right way

WHILE we're all thinking about what we want to do in

WRITE: Letters, Malvern Gazette. Rear First Floor Office, Redhill House, 227

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we do
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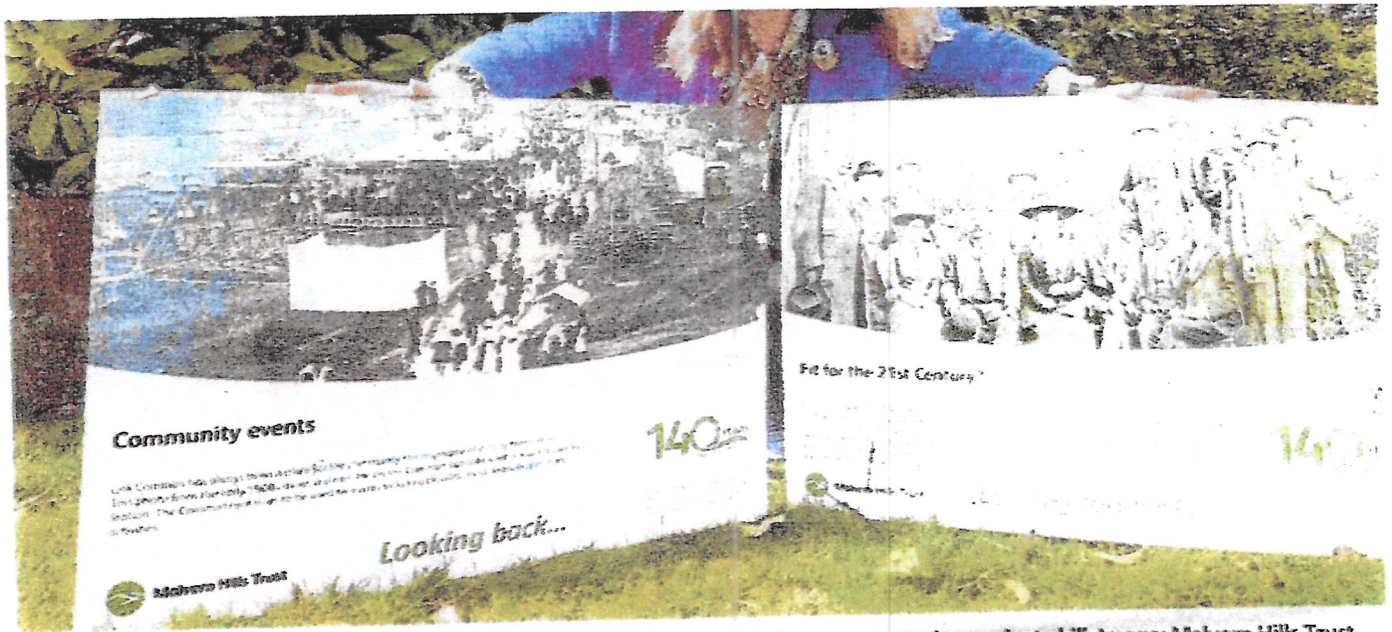
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DAME HARRIETT BALDWIN
West Worcestershire MP

3 Jan 2025

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10 Jan 2025



VIGILANT-Malvern Hills Trust CEO Deborah Fox doesn't want any unintended consequences from private bill. Image: Malvern Hills Trust

Vigilant on Malvern bill

20 Dec 2024

TRUSTEES remain vigilant their new private bill causes no unintended consequences which might negatively impact the Malvern Hills.

And West Worcestershire MP Dame Harriett Baldwin has warned those who still have issues with the hotly-debated bill they face a 'narrow window' to petition it and urged them to come forward and raise their concerns.

The bill, which looks to update the governance of the Malvern Hills Trust to make it fit for the 21st century, has been submitted to Parliament and will be checked by experts in a public session this Wednesday (December 18). It will have its formal first reading on January 6 and people are allowed to submit views on the Bill between January 22 and January 30.

Campaigners submitted a 2,500-signature-strong petition against the bill in October.

One of their biggest concerns included fears the trust may be able to build solar farms on the hills through its mooted new general power.

Ryan Smith

While this concern was dismissed as misinformation by the trust, board members voted to make several changes to the bill before it was sent to parliament in an attempt to address several other issues that were raised.

Dame Harriett said: "The Malvern Hills are our greatest local asset and the vision of our forefathers over a century ago has successfully preserved them for us today.

"It is vital that any changes to the legislation, including the well-intentioned desire to simplify and rationalise the legislation that protects our precious Hills does not have any unforeseen or unintended consequences.

"The Bill has started its legislative journey and I am encouraging people to watch proceedings either in person or online and also to visit the Malvern Hills Trust to read the Bill to understand how these changes will impact how we protect the precious Malvern Hills.

"There's only a narrow window to petition Parliament in

January so I urge people to look at the Bill and share their views with the Bill's clerks."

Trust CEO Deborah Fox said: "The Trust is here to protect the Malvern Hills and Commons for the nation.

"We agree this is our greatest local asset and we are passionate about caring for it into the 21st century.

"Our duties to the public and this iconic landscape are enshrined in law. We therefore only seek governance changes when they are absolutely necessary. We remain vigilant for unintended consequences.

"We will remain vigilant as the Bill progresses through Parliament under full public scrutiny."

The Malvern Hills Bill is now available on the UK Parliament website. Visit www.malvern-hills.org.uk/governance-changes for more information.

CONTACT

ryan.smith@newsquest.co.uk
@ryan4worchester

Ordinary Meeting of the Board

Council Chamber, Avenue Road, WR14 3AF

Thursday 18 January 2024 7pm

Agenda

1. Apologies for absence
 2. Chair's Announcements
 3. Declarations of Interest
 4. Public Comments
 5. To confirm the Minutes of the Board meetings held on 16 November 2023 and 30 November 2023.

Pages 4-12
 Confidential pages 2-6
 6. Matters arising from the previous Board meetings not otherwise on the agenda
 7. To appoint Mary Turner to Finance and Administration Committee
 8. Land Management Committee

Verbal report from Chair of Committee on meeting held 07/12/23
 9. Finance Resources and Administration Committee

9.1 To confirm the accuracy of the minutes of the meeting held 14.12.2023
 Pages 13-21
 Confidential page 7

9.2 Chair of Committee – updates and questions
 9.3 Board to adopt the minutes and resolutions
 Investment Risk Categories (minute 8): to approve the policies as currently drawn.
 10. To approve the budget and set the levy for 2023/24

Paper A Pages 22-29
 11. Car park income to 31 December 2023 - verbal report
 12. Governance Committee

Verbal report from Chair of Committee on meeting held 04/01/2024
 13. Staffing Committee – verbal update from Chair

Verbal report from Chair of Committee on meeting held 04/01/2024
 14. Staff at confidential meetings policy review

Paper B Pages 30-31
 15. Private Bill

Paper C1 Page 32-35
 C2 Confidential pages 8-10
- To receive: a verbal summary of costs to date.
- To resolve:
- a) To proceed with the preparation of a Private Bill with a view to lodging it in November 2024
 - b) That the new Act will be a consolidating Act
- And also, to:
- c) Identify which provisions are ready to be passed to the Parliamentary Agent for him to commence work
- And resolve that:
- d) Once confirmation is received from the Charity Commission that the Trust can make a loan from the Land Purchase Fund to fund the preparation and promotion of the Bill:
 - i. These provisions be passed over to the Parliamentary Agent for him to commence work and

- ii. The Parliamentary Agent should be asked to consider and advise as appropriate on the action points arising out of the consultation

16. Dealing with absence of CEO

Paper D Page 36

17. Proposal for a new format for Board Agenda

Paper E Pages 37-39

18. Urgent business

19. Date of next meeting

To be agreed: 7th or 14th March 2024 (or sooner if required)

20. Confidential

Resolution to exclude the public for discussion of item 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 matters).

CONFIDENTIAL

21. Matters arising from confidential minutes of Board meetings

22. To make provision for staffing arrangements to support the work on the Private Bill

Paper F Confidential Pages 11-13

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.

Members of the public who wish to attend are asked to notify info@malvern hills.org.uk (or write to the Trust's office), in advance of the meeting, giving their name, E-mail address and contact number.

ADDRESS TO MHT BOARD 18.1.24

My name is Michael Huskinson a resident of Guarlford for 35 years. I address you on behalf of Malvern Environment Protection Group comprising a large number of residents living between Barnards Green and the village of Guarlford, adjacent or near to the B4211 public highway

Like so many people I am sure that the work MHT does to preserve and enhance the Hills is greatly valued and we always look to MHT to protect the Hills.

I am aware of the perceived need for consolidation of the 5 Acts of Parliament which govern the Trust. I have reviewed salient parts of the Public Consultation Document produced by the Trust in 2019—I am aware that it is now proposed that such consolidation is to proceed by way a Private Bill in Parliament rather than under the Charities Acts.

Such Private Bills bring together a number of Acts of Parliament on the same subject into a single Act of Parliament **without changing the law in any way**. They are used as a way of tidying up areas of statute law that have become fragmented over time.

The Trust is a statutory charitable body existing for public purposes and must in all its dealings act in accordance with its charitable objects and in the best interests of the charity – this will not change if the proposed Private Consolidating Bill becomes law.

I stress that consolidation cannot and must not involve any change in the law. The objects/purposes of the Trust currently include an obligation to preserve as far as possible the natural aspect of the Malvern Hills and to keep the Hills unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public. In your

Public Consultation document you stated that the phrase “the natural aspect” was Victorian language which had no clear meaning in the present day and you proposed a revised form of words namely an obligation (a) to protect, conserve and maintain the **landscape character**, habitats, wildlife, geology, archaeology and **cultural landscape** of the Hills and (b) to keep the Hills unbuilt upon as open space for the recreation and enjoyment of the public.

The Trustees’ view would appear to be that the proposed revised wording involves no amendment of the current objects clause of the Trust and that therefore consolidation by means of a Private Bill is entirely appropriate and can proceed. Others (including Malvern Environment Protection Group) are entitled to and do hold a different view which is that the proposed revised wording of the objects of the Trust involves potentially radical changes in the way the Trust can operate in the future and that simple consolidation is not permissible or appropriate. This is effectively a Consolidation Bill with substantial amendments – a brand new Bill which could change the face of Malvern. The 1884-1995 Malvern Hills Acts have served the Malvern area well over the last 100 years plus and this will be placed in jeopardy should the revised wording of the objects clause be amended in the way proposed by the Trust.

Thank you.

MGH



CHARITY COMMISSION
FOR ENGLAND AND WALES

By email only:

Charity Commission
PO Box 211
Bootle
L20 7YX

Our ref: C-157746

Date: 21st March 2025

Dear David Smallwood,

Your Freedom of Information request: Malvern Hills Conservators - 515804

Thank you for your request for information which was received by the Charity Commission on 12th February 2025. In your request you asked (for):

"In the context of the new Bill, have Malvern Hills Conservators ever asked for permission to extend the levy paying area?"

The Commission is responding to your requests in accordance with our obligations under the Freedom of Information Act 2000 (FOIA), as your request falls within the definition of a valid request for information under the FOIA.

The Commission has the information needed to answer your question, which is provided below.

The Commission confirms that Malvern Hills Conservators has not requested the Commission's permission to extend the levy-paying areas.]

If you are dissatisfied with the handling of your request or the decision which has been reached, you have the right to ask for an internal review. Internal review requests must be submitted within 40 working days of the date of this response and should be addressed to the Charity Commission at PO Box 211, Bootle, L20 7YX (email: DP/IR@charitycommission.gov.uk).

If you are not satisfied with the internal review, you are able to appeal to the Information Commissioner. Generally, the ICO cannot make a decision unless you have exhausted our

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help
on filing your annual return and accounts

t: 0300 066 9197 (General
enquiries)

w: www.gov.uk/charity-commission

A.D. 1884. possession for life or for any greater interest to such lands or by the guardians or committee of any infant or lunatic seised or entitled as aforesaid on behalf of such infant or lunatic and where any such person shall be a married woman or the husband of a married woman in her right such sale grant or agreement may be made by such married woman and her husband without any deed or acknowledgment being required and every sale grant or agreement given or made as aforesaid shall be binding upon the person or persons making the same and upon such infant or lunatic and upon all persons claiming any estate or interest in reversion or remainder expectant upon the estate or interest of such person or persons infant or lunatic or through under or in trust for such person or persons infant or lunatic: Provided always that no such sale grant or agreement made by or on behalf of any person seised or entitled only for life of and in any manor lands or hereditaments shall have effect as aforesaid unless the person or persons for the time being next entitled in remainder to the beneficial enjoyment of the same manor lands or hereditaments on the determination of such life estate or interest if there be any such person in existence and legally competent shall agree thereto.

Provision
for adding
other com-
mon or
waste lands.

31. Any common or waste lands within the said distance of nine miles from Great Malvern Abbey may be at any time and from time to time made subject to all or any of the provisions of this Act by agreement between the Conservators and the lord of the manor of which such lands form part: Provided that no such agreement shall be of force until allowed by the Land Commissioners under their seal, and upon allowing any such agreement it shall be lawful for the Land Commissioners if they shall think fit by order under their seal to vary the number of Conservators under this Act and the mode of their election and to provide for making the poor rate of any other parishes lands wherein shall become subject to this Act liable to contribute to the expenses of carrying out this Act in such manner and to such extent as the Land Commissioners shall think fit: Provided that the vestry of any parish subject to such liability shall be entitled to appoint or share in the appointment of one or more Conservators in such manner as the Land Commissioners shall determine.

Notice of
extending
powers of
Conser-
vators.

32. Any order or agreement approved or allowed by the Land Commissioners under this Act shall be published in such manner as the Land Commissioners shall direct.

Act not to
limit existing
public rights.

33. Except as expressly provided by this Act or by any byelaw made under the powers thereof nothing in this Act shall be deemed or construed to restrict any liberty or privilege which the public have hitherto exercised or enjoyed over or upon the lands subject to