



Essential changes for the 21st Century

Proposals for a Scheme under s 73 Charities Act 2011.

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Introduction

- **Who we are, what we do and how we are governed**
- **The case for change**
- **An overview of the changes**
- **Managing the landscape**
- **Changes to governance arrangement**





- Established by Act of Parliament in 1884
- Primarily governed by 5 Acts dated 1884, 1909, 1924, 1935, 1995
- Registered as a charity in 1984
- A quasi-public body with the power to raise a levy from 10 wards and parishes, whose residents elect 11 of the 29 Board members
- Holds its meetings in public
- Looks after 1200 ha of the Malvern Hills, surrounding commons, roadside verges, fields and woodlands
- Approx. 90% of the land is registered common, 57% is designated as SSSI, and 85% is within the AONB
- Adopted working name “Malvern Hills Trust” in April 2017



The case for change

- To be able to manage our land more effectively in the 21st century
- Updated administrative powers needed to facilitate better management of MHT's affairs
- To bring MHT's governance into line with current recommendations for good governance of charities



How can the changes be made?

Charities governed by statute can only make changes to their Acts by:

- Another Act of Parliament
- A Scheme under s 73 Charities Act 2011.

What will the Scheme look like?

A lengthy document

A consolidation of the 5 governing Acts of Parliament



What is being proposed for inclusion in the Scheme?

- All the sections of the old Acts that are being retained will be set out in a logical order
- The repeal of out of date provisions and ones that are no longer relevant
- New powers: eg providing additional fundraising options and to enable better land management
- Changes in the way board members are appointed/elected, creating a smaller board of 12
- A new set of administrative provisions which conform to the requirements of a modern charity
- Some minor changes. eg board to appoint the Trust's auditors, rather than the levy payers who happen to be present at the meeting



What won't change?

- The essential aims and obligations of the charity
 - Public right of access
 - The land to remain open and unbuilt on
- Commoners' rights
- Who pays the levy and who votes to elect board members



Going through all the details?



.... a short overview.



Key additional powers - fundraising

- To set up a membership organisation
- To set up a trading subsidiary (and a wider power for MHT itself to sell incidentals such as wood and compost)

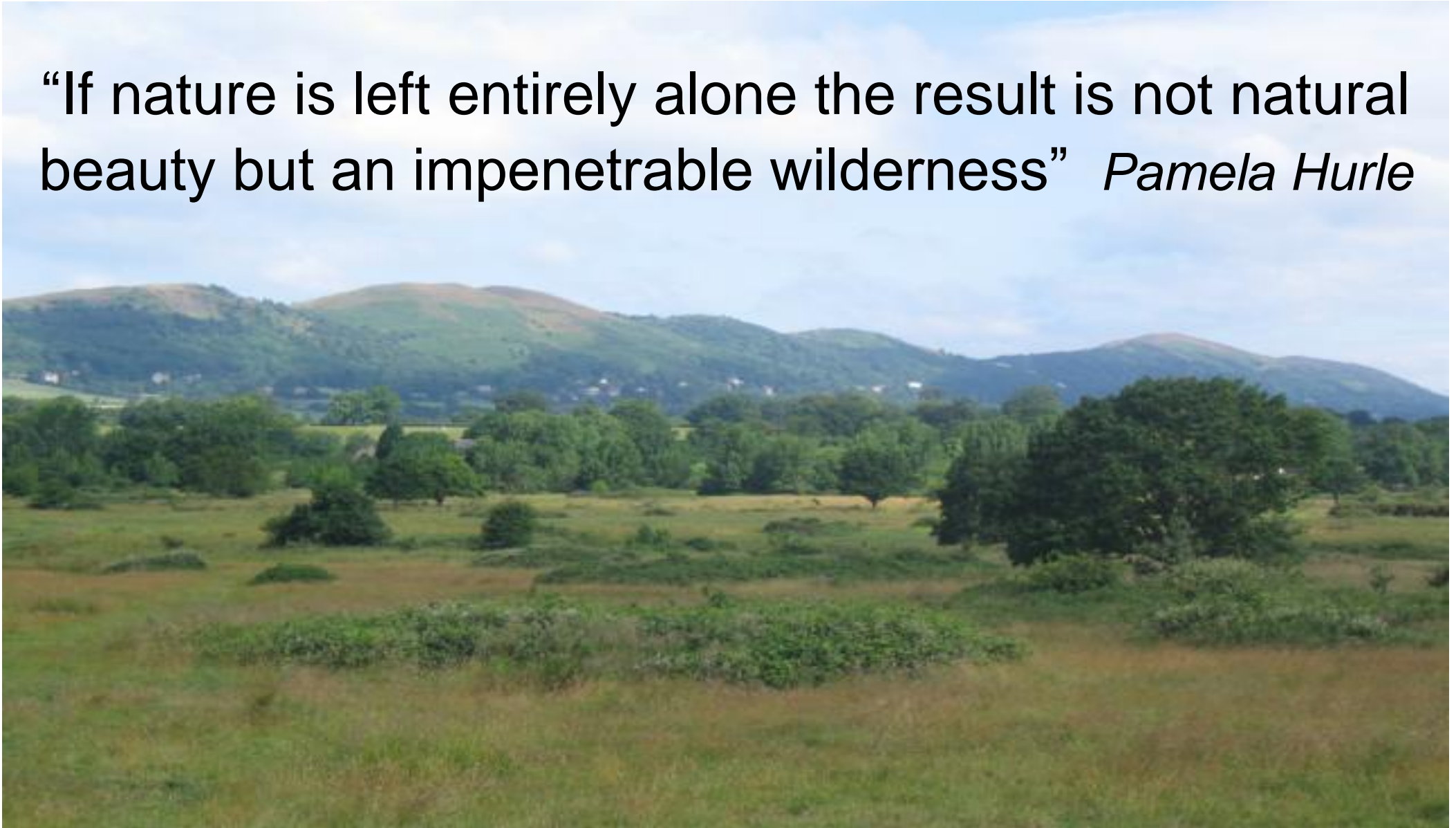


Why are new land management powers needed?





“If nature is left entirely alone the result is not natural beauty but an impenetrable wilderness” *Pamela Hurle*





Why are new land management powers needed?

The landscape has been entirely shaped by grazing over 100s of years

Grazing is a key management tool to keep down the growth of scrub and trees

Very few commoners now exercise their grazing rights

- Almost all people who now buy properties with commoners' rights attached have no connection with agriculture
- "Leaky" commons
- Road casualties

Doing nothing is not an option





Key additional powers – land management

- Change MHT's responsibility to the public so that liability for accidents is the same as for landowners whose land is open under Countryside and Rights of Way Act.
- Clear powers to purchase and look after our own livestock including a power to purchase land to set up stock handling/welfare facilities
- Power to secure the grazed commons



What MHT needs to be able to do

- Continue to use temporary grazing compartments for up to 60 days.
- Temporarily fence areas for animal health and welfare reasons (following a public consultation) – for a maximum period of 12 months
- Make the grazed commons stockproof – a power to be used where necessary to keep stock on the common land – subject to the consent of the Secretary of State (and after a full public consultation).



Changes to governance arrangements.



Reduction in the number of trustees and changes to the way they are appointed



“It is here that we come to a criticism of the Conservators which it is difficult to refute. In relation to the area it controls and number of staff it employs, a Board of 29 members is large to the point of being unwieldy”.

Pamela Hurle, The Malvern Hills – A Hundred Years of Conservation 1984

The current board

Is made up of 29 trustees,

- 11 elected by 10 wards and parishes,
- 8 Malvern Hills District Councillors
- 4 appointed by Herefordshire Council and Worcestershire County Council (in practice usually from their own councillors)
- 2 appointed by Mathon and Colwall Parish Councils
- 3 appointed by Worcestershire County Council on behalf of 3 other parish councils
- 1 appointed by the Church Commissioners



Elected Board members

Guarlford	(236 electors)	1 Board member
Mathon	(241 electors)	1 Board member
Colwall	(1960 electors)	2 Board members
Malvern Wells ward	(2578 electors)	1 Board member
Malvern Priory ward	(3105 electors)	1 Board member
Malvern West ward	(3301 electors)	1 Board member
Malvern Dyson Perrins ward	(3314 electors)	1 Board member
Pickersleigh ward	(4449 electors)	1 Board member
Malvern Chase ward	(4651 electors)	1 Board member
Malvern Link ward	(4954 electors)	1 Board member



How do we propose to improve our governance arrangements?

- Updated electoral arrangements
- A balance between elected and appointed trustees
- A smaller board – to facilitate more effective decision making for an organisation with 8 full time and 8 part time staff
- Increase our ability to ensure the board has a more diverse membership with appropriate skills, expertise and knowledge
- Avoid built in conflicts of interest
- Achieve greater engagement and attendance by all board members



Proposals for the board under the Scheme

- A maximum of 12 trustees
- Made up of 6 elected and up to 6 appointed trustees
- Elected trustees will be elected by all registered electors in the current levy paying wards and parishes from a single list of candidates
- In addition, people may put themselves forward for appointment to the board. Such applications to be considered by an independent panel who will recommend suitable candidates.
- Board members will serve a maximum of 2 full consecutive terms (each of 4 years)



Where are we now and the next steps

- Over the last 4 years, the board has considered the case for change and the available options, and agreed a set of proposals.
- The Charity Commission agreed in principle in 2016 to settle a Scheme for MHT
- The public consultation process to take place later this year – an opportunity for **all stakeholders and the public to have their say**
- All responses will be carefully considered and any amendments made before final draft of the Scheme is prepared for Charity Commission and Dept of Culture Media and Sport. It will then be laid before Parliament.

Overall aim:

To enable MHT to be a more effective organisation, better able to manage the land under its jurisdiction in order to achieve all of its charitable objectives and legal obligations for the benefit of the public

There will be no change to the fundamental aims and obligations of the charity



Any questions ...?

