

Malvern Hills District Council

Personal Details:

Name: Duncan Bridges

E-mail: [REDACTED]

Postcode: [REDACTED]

Organisation Name: Malvern Hills Trust

Comment text:

Please find attached a pdf containing comments submitted from the Malvern Hills Trust. Duncan Bridges CEO

Uploaded Documents:

https://consultation.lgbce.org.uk/download_document?file=draft%2F1659954116_MHT+Comments+on+the+Boundary+Commission+Malvern+Hills+2nd++proposals.pdf



Local Government Boundary Commission for England
1st Floor, Windsor House
50 Victoria Street
London
SW1H 0TL

8th August 2022

Dear Sirs,

Local Government Boundary Commissions consultation on further draft recommendations for new electoral arrangements for Malvern Hills District Council published June 2022.

I wish to submit the following comments on behalf of the Malvern Hills Trust. Malvern Hills Trust is the working name of Malvern Hills Conservators.

Malvern Hills Trust is a charity created under the Malvern Hills Acts 1884 – 1995 to (*inter alia*) preserve the natural aspect of the Malvern Hills and keep the Hills as an open space for public recreation. The current provisions require that 7 of the trustees are elected from wards within Malvern in the same manner as District Councillors. Local residents in Malvern are required to pay a levy set by the Trust which goes towards funding the charity. The 1924 Act provides that right to vote is dictated by ward, but areas which pay the levy are determined by parish.

The Malvern Hills Acts create a unique set of conditions which we believe the Local Government Boundary Commission should take into account under the requirement to consider community identity as part of its statutory criteria.

Issue 1: Changes to boundaries of Welland and Malvern Wells Wards.

The Trust made representations in the first consultation on the proposed Local Government Boundary Commission (LGBC) changes which were published in January 2022. The consequence of this proposed change is that Upper Welland residents (as part of Malvern Wells parish) will continue to pay a levy to the Trust but will lose their right to vote in Trust elections (as they no longer reside in Wells ward).



In response to those representations the LGBC noted:

24 We received a detailed submission from the Malvern Hills Trust. It argued that our proposals would disrupt the connection between those electors who pay a levy towards the Trust and those who have voting rights. They particularly pointed out that our proposal would see those electors in the Upper Welland part of Malvern Wells parish lose their rights to vote in Trust elections while still paying the related 8 levy. They argued we should not amend the external boundaries of Malvern wards so they were no longer aligned with the relevant parishes.

25 We carefully considered the evidence received from the Trust. While we acknowledge the administrative impact our recommendations may have, this is one factor of many we consider when developing our recommendations. The issue of voting rights and levy payers does not override the statutory criteria, as set out in legislation, that we must follow during this review. Our assessment is that the matters raised do not override our considerations of community identities and interests that led us to propose a Welland ward containing the Upper Welland part of Malvern Wells parish.

With respect, the impact of this proposed change is not an administrative issue for the Trust. It is an issue about the rights of the levy payers. The Trust would say that as a result of the circumstances unique to Malvern because of the application of the Malvern Hills Acts, the voting rights and the requirement to pay a levy are very much part of the community identity of the area. To sever the link between the requirement to pay a tax and the right to vote to appoint a trustee to the Board seems to us to be a breach of a fundamental democratic principle. The Trust submits that considerable weight should be attached to this point and we would strongly urge the LGBC to revise this element of their proposals.

Issue 2: Changes to Link and Powick ward boundaries

Again, the Trust made representations on this proposal during the first consultation on the proposed LGBC changes published in January 2022. The expansion of the boundary of Link Ward, to take in Newland parish, (currently part of Powick ward) will result in residents who do not pay the levy becoming eligible to vote in Trust elections to appoint a trustee for Link ward.

In addition, Worcestershire County Council already appoints a trustee to the Board of Malvern Hills Trust at the behest of the residents of Newland Parish (pursuant to an agreement dated 22 July 1968 made between



Worcestershire County Council and Malvern Hills Conservators). This will in effect mean that the voters of Newland Parish will have a say in the appointment of 2 trustees.

We would again respectfully submit that the levying and voting arrangements created by the Malvern Hills Acts are very much an element of community identity and this change may cause resentments amongst the levy payers who may find it difficult to accept the new rights conferred on Newland parish. On the basis of community identity the existing ward boundary should be retained.

Issue 3: Combination of wards:

Dyson Perrins & West Malvern to become one combined ward.

Priory and Pickersleigh to become Great Malvern and Pickersleigh ward

Under the Malvern Hills Acts, 1924, the electorate of each of the 7 wards (Dyson Perrins, West Malvern, Priory, Link, Pickersleigh, Malvern Wells and Chase) within Malvern elect a trustee to the board of the Trust. They are elected in the same manner as District Councillors.

The further recommendations of the LGBC published in June would result in 4 of those wards becoming 2 larger wards (therefore 5 wards in total) This results in a conflict between the warding arrangements within Malvern and the provisions of the Malvern Hills Acts which state "seven persons are elected by the local government electors for the Urban District of Malvern (*one from each of the seven wards*)".

Were the LGBC to proceed with the changes as proposed, the legal advice the Trust has received is that this discrepancy can only be resolved by legislation (whether primary or secondary) to amend the Malvern Hills Acts.

Whilst this does not appear to be an issue which is directly relevant to the statutory criteria which the LGBC must follow, the impact of the changes will mean that, if not resolved, the Trust will be unable to conduct elections in conformity with the Malvern Hills Acts when the next elections occur in October 2023. The indirect impact on the local community and the Trust would be very significant and we would predict this would cause some anger amongst the local residents.

The Trust therefore urge LGBC not to make these changes which result in the combining of these wards.

If the changes as currently proposed are to be adopted, the Trust notes that section 67 of the Local Democracy, Economic Development and Construction Act 2009 provides that the Secretary of State *may by order make such other*



Malvern Hills Trust

provision as the Secretary of State considers appropriate in consequence of any provision made by this Part. The Trust urges the Commission to note the consequence of this change in its report and to make representations to the Secretary of State to exercise this power as a matter of urgency to make appropriate changes to the Malvern Hills Acts as an essential consequence of adopting these recommendations.

Yours faithfully,



Duncan Bridges
CEO