

UNCORRECTED MINUTES OF ORAL EVIDENCE

taken before the

**MALVERN HILLS BILL COMMITTEE**

PETITIONS AGAINST THE BILL

Thursday, 29 January 2026 (Morning)

In Committee Room 2

PRESENT:

Lord Hope of Craighead (Chair)  
Baroness Bakewell of Hardington Mandeville  
Lord Evans of Guisborough  
Lord Inglewood  
Lord Ponsonby of Shulbrede

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FOR THE PROMOTER:

Jacqueline Lean, Counsel, Malvern Hills Conservators  
Alastair Lewis, Roll A Parliamentary Agent

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FOR THE PETITIONERS:

Simon Freeman  
George Parsons

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(At 10.35 a.m.)

1. THE CHAIR: Welcome to this, the sixth public meeting of the Select Committee on the Malvern Hills Bill. The purpose of this meeting is to hear parties in relation to the right to be heard. At this stage, therefore, the parties will not be making submissions on the substance of their petitions. They will be able to do that at a later stage, if we decide that they do have a right to be heard. All parties attending have been provided with a copy of the committee's interim decisions on standing, which were announced in public last week on Thursday, 22 January. Petitioners who do have a right to be heard, of course, will be called back so that they can present their arguments, so I think it is very important to confine ourselves to the issue that we are really concerned with, which is the right to be heard.

2. There are one or two practical arrangements that I should mention. Those who are participating remotely—Mr Parsons is not able to hear me, but when he comes in I will make this point—have to remain muted until they are called upon to speak to us. For those in the room, I remind you that your phones should be on silent. Try to refrain from having conversations in the committee room, as that can make it difficult for parties who are on the front bench speaking to us to hear what is being said.

3. Just a word about our fire alarm system. In the case of fire, bells are not used in the Parliamentary Estate. Instead, a two-tone siren followed by a series of taped messages is broadcast. If evacuation is necessary, please follow the instructions of the clerk. Anyone who happens to be outside the committee room at that stage should look for the nearest security officer. If you are leaving this room, please do not waste time by gathering up your possessions. The procedure is to leave immediately. You are allowed back in, of course, later to collect your belongings, so do not worry about that.

4. Good morning, Mr Parsons. I hope you can hear me. For you, participating remotely, may I ask you to keep yourself on mute until we ask you to speak to us? You should also be aware that you are now on camera and you will be on camera throughout this session, including the one before yours. It is quite important that you should not be seen, for example, eating biscuits or whatever else in public unless you really want to do that. You are visible to us and to a lot of other people, too.

5. Since the proceedings are being broadcast, I should remind you that the transcript

is also being taken for publication by Hansard. The transcript will be available sometime next week. Do please check your own evidence on the transcript to be sure that the details set out in the transcript are accurate as far as you are concerned. If you find any inaccuracies, let us know and they will be corrected before the Hansard version is published.

6. We are now in a position to begin with your petition, Mr Freeman. The procedure we follow is that counsel first addresses us to explain what she says are her reasons for objecting to your right to be heard. You will then have an opportunity to make your own case in reply. When you have finished, I will call upon counsel to make any points she may wish to make in response to what you have said. I think we can proceed straight away to Ms Lean.

**Mr Simon Freeman**

7. MS LEAN: Thank you, my Lord. This petitioner is petition 46 in the table you have. In that table the promoter has identified the potential grounds on which standing might be sought or claimed as being that the petitioner is a payer of the levy and elector and has property immediately abutting the Malvern Common, which is accessed over Trust-controlled land. The petitioner has also identified in his petition that he is a former trustee or conservator of the board of conservators.

8. The promoter has objected or raised a challenge to the petitioner's right to be heard on the basis that none of his property or personal interests is specially and directly affected by the provisions of the Bill and it does not appear that the petitioner has standing to be heard either as of right or a matter of discretion under any of the Standing Orders.

9. My Lord, with regard to the levy and access being taken over Trust property, I refer back to the principles in the interim decision and the submissions I made on those matters with regard to other petitioners who similarly take access over Trust land. There is nothing in the petition that discloses anything specifically in the Bill or any provisions of the Bill that are said to affect the legal right that this particular petitioner enjoys.

10. With regard to the position of status as a trustee or former trustee, we have already made our submissions to you on that point. My Lord, that is all I propose to say at this

junction.

11. THE CHAIR: Thank you very much. Mr Freeman, it is over to you now to address us, please.

### **Evidence of Mr Freeman**

12. MR FREEMAN: Thank you, my Lord. My name is Simon Freeman. I have lived in Malvern for over 20 years. My wife lived in Malvern from an early age and our children were largely educated there. I practised as a solicitor throughout my working life, mainly in London, dealing with non-contentious transactional matters. I can therefore claim no professional expertise in the areas under consideration by this Select Committee.

13. I mention this last point only because, so far as I am aware, most of the petitioners appearing before you do so in person without the benefit of professional advice and support that the promoters bring through their counsel and those instructing her. That is, of course, a choice that individual petitioners will have made for their own reasons, but the cost of individual and even collective representation must be a major consideration. The irony that may not be lost on your Lordships is that the costs of the promoters' professional advice and representation, currently budgeted at close to £500,000, is being funded by the levy payers, who do not have the right to be heard and to whom the promoters claim to have no accountability.

14. THE CHAIR: That point has been made to us several times, Mr Freeman.

15. MR FREEMAN: I am sure it has. Level playing field is a concept that inevitably springs to mind.

16. I have listened and also read the transcript of the Select Committee's interim decision on standing and I do take account of all that is said in your decision. Amongst the grounds upon which the promoter has specifically objected to my petition are that I am a levy payer and that access to my property is across land owned by the promoter. With respect, at no point does my petition seek to rely upon either of those grounds. The fact that I am indeed a levy payer and gain access to my property across the land in their ownership is of no more than passing interest, since I accept that it is certainly arguable

that the provisions of the Bill do not at present contain provisions that would directly and specially affect me in those regards.

17. The Malvern Hills Conservators is a unique body, with only one other organisation that could arguably have a comparable structure. That would be the Putney and Wimbledon Commons Conservators, although that body is distinguishable by reason of the origin of their levy-raising powers. The promoter presents itself primarily as a registered charity regulated by the Charity Commission. Its funding, as I am sure the Committee has already heard, derives from grants, parking levies and a compulsory levy on council tax payers within the designated local parishes. Close to 50% of the promoter's current income derives from that levy, without which the organisation could not subsist in its current form.

18. You have pointed out that the petitioners are not entitled to be heard unless their property or interests are directly and specially affected by the Bill, and you refer in your interim decision to the importance of upholding the rules of locus standi. Otherwise, more Members' time would be taken up in Private Bill Committee. You also referred to the subject matter of this Bill being closer to that of the Holocaust Memorial Bill, where the Select Committee did not feel bound to follow the stricter approach adopted with the High Speed Rail (London – West Midlands) Bill, namely that the petitioner must establish a direct and material detriment to their property.

19. THE CHAIR: Not necessarily their property. I think the point made in the Holocaust memorial is that there is a distinction between cases where Bills involve the compulsory acquisition of property or some other interference with property itself and that case, which was really concerned with the use of the gardens by people who went there regularly for enjoyment.

20. MR FREEMAN: I do understand that, my Lord. I am perhaps emphasising the words “material detriment” in a more general sense.

21. My Lord, you also referred last week to the danger of the Select Committee being—I think this was the word you used—“flooded” by petitions, if precedent were not followed. My argument to this Select Committee is that it is open for you to follow a more liberal and flexible approach without fear of any precedent being created, simply because this Bill primarily addresses the constitution and management of a body that, as

I have pointed out, has a unique status. On that basis, it would be open to distinguish any ruling that this Select Committee might make upon which it is sought to rely as a precedent.

22. I referred at the outset to the matter of the promoter's lack of accountability to levy payers, who fund almost 50% of its income. However, my argument is that there is a clear distinction between levy payers and electors. There will be electors who may not be levy payers and there will be levy payers who may not be electors. The position of levy payers and their right to be heard has been determined in your interim decision. There is only one reference in the conclusions you set out in the interim decision to the position of electors. I would submit that it is in any event only a passing reference whereas the interim decision addresses the position of levy payers at some length. It is on the basis and none other that I am entitled to vote in the elections of the board of conservators that I claim a right to be heard.

23. In addressing the rights of levy payers to be heard, the interim decision refers to the fact that there are 50 or so petitioners and that should be seen in the context of 30,000 other levy payers who have not presented petitions. I understand that the number of petitions presented in relation to this Bill is double the number of petitions presented in recent times in relation to any other private Bill. Be that as it may, I would submit that there is another context in which those numbers should be seen. I cannot provide the Select Committee with direct evidence to support this proposition but it would not be unreasonable to expect that most people would have little or no idea what a petition against a private Bill is and, even if they did or made the necessary inquiries, would be daunted by what it involved and, in particular, all the complexities that it raises, as so evidently demonstrated by these hearings.

24. THE CHAIR: There were a very large number of petitions in the case of the HS2 Bill. As you can imagine, it was quite a lengthy route from Euston all the way to West Midlands and people all along the route could claim or at least were claiming that they were affected in some way by what was in the Bill. The committee in that stage took a strict view because they were dealing with property rights. Just on numbers, Bills vary. That was one where it did attract a great deal of attention and this one, for obvious reasons, is attracting a great deal of attention as well. We understand that.

25. MR FREEMAN: My reading of your interim decision—I am sure you will correct me if I have the wrong inference—is that the fact that only 50 petitions were raised from a potential 30,000 levy payers was of some significance.

26. THE CHAIR: It is something that we have to take into account.

27. MR FREEMAN: In the two most recent by-elections to the board of trustees held in September of last year—you have already been addressed on this—the candidates in both wards who stood on the platform opposing the provisions of the Bill were both elected with majorities of 75% of the votes cast. That, I would suggest, is a far more accurate indication of the level of disquiet over this Bill amongst the levy payers than the number of petitioners.

28. The two individuals elected were promptly barred by the board from participating in any discussion or voting regarding the Bill, making a total of 11 trustees similarly barred for opposing the Bill.

29. THE CHAIR: Can you explain that number, please? Who are the others?

30. MR FREEMAN: There are 11 trustees who have been barred because of their opposition to the Bill from participating in any matters being discussed by the board. My understanding is that they were not allowed to see any papers; they were not allowed to vote; and they were not allowed to speak.

31. THE CHAIR: We have seen a minute that makes that clear in the case of Mr Myatt, but I am just wondering who are those who are in favour? Are they appointed trustees or the elected trustees?

32. MR FREEMAN: I believe it is a mix. I will come to the issue of appointed and elected trustees, if I may, shortly because I think that does have some significance, particularly on voting electoral arrangements. I do not think that the number of trustees who are currently barred from participating in discussions about the Bill is challenged, but I leave it to counsel to correct me if I am wrong on that.

33. Leaving aside the fundamental question of whether it can ever be proper for a body, be it public, private, charitable or otherwise, to have the statutory power to tax a relatively small number in order to provide free facilities to the public at large without



any accountability to those taxpayers, Sections 8 to 27 and thereafter of the Bill contain far-reaching and radical changes to the composition of the board of trustees and how it is elected. Contrary to the position advanced by the promoters, I would argue that they do not in reality increase the representation of electors—in fact, quite the contrary.

34. THE CHAIR: You are getting into the merits of your petition.

35. MR FREEMAN: I was going to stop at that point, my Lord, because I appreciate that this is not the forum to discuss—

36. THE CHAIR: I do not want to stop you too much. It is just to make the point that that particular issue is what you are going to present to us, if you have a right to be heard.

37. MR FREEMAN: It would be, but I do not think it is appropriate to do that at this stage. I am happy to address the committee on that.

38. THE CHAIR: It would not be right to do that at this stage, but you are making your point, obviously, that it is as an elector that you wish to be heard. You are making the point that that has consequences, if you will just stick on that.

39. MR FREEMAN: You have indicated in paragraph 5 of your interim decision that it is not a matter for a petitioner to establish the prospect of a direct and material detriment to his or her property interests but to show in some way or another that the petitioner's interests are affected both specially and directly before there is a right to be heard.

40. By analogy, I would argue that it is equally not a matter for a petitioner in their capacity as an elector to establish that those interests need to be affected in a detrimental manner. It is simply for me to show that the provisions of the Bill establish the prospect of a direct and material effect on me.

41. I would ask the Select Committee to accept that I do have the right to be heard as an elector on the basis that the Bill includes, in Clause 8 onwards, provisions that directly and specially affect me in the capacity as an elector. I do not think I can assist you any further at this stage.

42. THE CHAIR: Does the committee have any questions?
43. LORD INGLEWOOD: I just have one question. You said in your remarks that 11 conservators are barred currently. Was it two more who were elected who are now barred?
44. MR FREEMAN: My understanding is that that figure of 11 includes the two.
45. LORD INGLEWOOD: The total number of conservators is 29, is it?
46. MR FREEMAN: There are 25 at the moment. I think there are three vacancies.
47. LORD INGLEWOOD: Eleven out of 25 of those who have been put there by due process now are completely gagged in respect of all this.
48. MR FREEMAN: Essentially, yes.
49. LORD INGLEWOOD: Thank you.
50. THE CHAIR: Ms Lean.

**Response by Ms Lean**

51. MS LEAN: My Lord, I note the primary reliance placed by this petitioner on his status as an elector, as founding a right to be heard. My Lord, in the context of this Bill, it is essentially not possible to divorce status as a levy payer from status as somebody who is entitled to elect somebody to the board of conservators. It is the levy payers who have a right to elect such a conservator, and they are an elector or have that right to elect only because they are a levy payer. My Lord, the two necessarily, in my submission, march hand in hand. Clearly, status as an elector was something that was prayed in aid by a number of those who relied on their status as levy payers before you last week, ahead of the committee's interim decision.

52. In my respectful submission, there is nothing that has been disclosed today that indicates that this particular petitioner, because of the matters that he has raised, is in a different position than any of the other levy payers generally who have a right to elect somebody to the board of conservators, such that by reason of that he is directly and specially affected by the provisions of this Bill within the meaning and approach taken

by your Lordships' committee in your interim decisions.

53. With regards to the current position with trustees who are not permitted to vote on matters relating to the Bill because of an identified conflict of interest, the figure I have been given is 10, including those two who were elected on 18 September 2025, both of whom stood on platforms of opposition to the Bill, one of whom was a petitioner in their own name, the other of whom was a councillor of another body that had petitioned. My Lordships' committee, I believe, had the minutes from the board meeting of 9 October provided to you by a petitioner on Tuesday this week.

54. THE CHAIR: Mr Myatt, was it not?

55. MS LEAN: I believe it was Mr Myatt, and you have in there the names of the trustees who had been previously identified as having a conflict and thus not being able to participate in matters relating to the Bill. I think there may be possibly a name missing—from the list I have seen in there, because on my calculations I got to seven. That is probably just my counting, but my Lordships' committee will, I think, be able to cross-refer the names of those trustees who had been found to have a conflict of interest prior to the 9 October meeting with the names of the petitioners you have before you, and then a vote was taken on the two new trustees at that meeting of 9 October.

56. My Lord, I am not sure I can say much more about that at the moment. I am conscious that my Lord indicated yesterday that these are matters that the committee would wish to hear further on when exploring the governance provisions and changes that are proposed within the Bill. Unless you wish me to address you further, I just refer back to the point I made earlier last week around reasons why difficulties may arise where you are essentially in a sort of quasi-litigation situation and you have, within a particular group, people who are, in the litigation sense, on the other side of the table from the body that they are a part of.

57. THE CHAIR: Are you proposing to present us with various exhibits as that part of the argument as developed, because, if so, could you include the relevant minutes again? It is difficult for us to find them because they were in a bundle that was provided by Mr Myatt, but I think, if we are going to discuss it, it is helpful if you could let us have a minute so we have easy access to it.

58. MS LEAN: Indeed, my Lord. We have taken away the indication from the last couple of days that this is something the committee would want to hear further on, and we will make sure that the minutes of that meeting are included with the clip of any documents we provide as part of our evidence on the governance arrangements.

59. MR FREEMAN: My Lord, I stand corrected if it is indeed 10. My understanding is that it was 11 trustees who have been barred from participating in discussions, but that is a matter that, no doubt, the trustees will be able to present to you. Whether it is 10 or 11, I would suggest, does not detract from the point that I was trying to make.

60. The other issue I would raise is that counsel indicates that there is no difference between an elector and a levy payer. I would disagree, and I would invite the committee to consider this. I did say at the outset that there is a difference. The electoral roll is a list of people who are entitled to vote within the relevant parishes. They are not necessarily levy payers. For example, Mr and Ms Smith could live within one of the parishes, both be on the electoral roll, but Mr Smith is the council tax payer and therefore, through that, the levy payer. There may be more distant relationships other than husband and wife—people who live in rented property, where maybe the landlord is paying the council tax as a result of the rental arrangements, and the individual tenants would have the right to vote, but they would not be levy payers.

61. THE CHAIR: You have raised a point of fact, really, that Ms Lean ought to be able to reply on. I do not know if that is something that you can reply to immediately. We need to know, I think.

62. MS LEAN: My Lord, I am not sure if I can respond to it as a point of fact, but perhaps as a point of law, if I could put it in those terms. The reality is that the obligation to pay the levy attaches to persons in the property. Levy is tied to property under the relevant council tax legislation and regulations. The primary liability or the initial liability for paying council tax or suchlike rests with the occupier of the property. If there are arrangements between a landlord and a tenant that in theory it is a rates-included agreement, that may be a practical arrangement, but it does not alter the underlying position, I believe, in the council tax legislation that the first person who is liable for the council tax is the occupier.

63. Similarly, in the way that maybe we had identified as a hypothetical, that perhaps

in an arrangement between Mr and Mrs Smith, they both live at the property, they may both be legally liable or jointly and severally liable for the levy, but it may be in practice that Mr Smith pays it. The entitlement to vote is tied to the property and the occupation of the property, in the same way that the liability to pay the levy is tied to occupation of the property. My Lord, I cannot say that every single person who is entitled to turn up and vote at the elections in Guarlford or suchlike is the person who puts their hand in their own individual pocket to pay all or part of the levy that attaches to the property they occupy, but in terms of the entitlement, it is attached to the property and occupation of the property, not to the person who individually happens to be the person who pays the bill within that property, if I could put it in those terms.

64. THE CHAIR: Presumably it is all based on legislation. Somewhere in the Act we will find a provision that identifies who is obliged to pay the levy, and also who is entitled to elect. Can you point us to the provisions in the existing legislation?

65. MS LEAN: My Lord, I am going to have to take away, I am afraid, the provisions in the existing legislation, because it has changed and been altered through the different Acts. I can tell you where I think the most up-to-date one is, which I believe is in the 1924 Act, as supplemented by the orders, but I would be hesitant to do that on the hoof. I will need to go and check the provisions of the Local Government Finance Act 1992 and the relevant regs, which is where the liability to pay council tax and who the person is liable to pay the council tax is to be found. I am afraid I do not have the exact statutory provisions to hand.

66. THE CHAIR: We want accurate information. Do not rush to it. Please take time, then come back and tell us at some point. That could be done electronically by message.

67. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: Can I just ask for, when you are looking for this, a clarification? If a property pays the levy, how many people in that household are entitled to vote for the trustees? Is it just one? If there are six people in the house over the age of 18, would that be six votes, or is it just the one vote? That clarification would be useful.

68. MS LEAN: I will make sure we address that, my Lady.

69. THE CHAIR: Mr Freeman, you have raised some interesting questions of fact for

us to look into, but do you have anything more to say in reply to what we have been listening to?

70. MR FREEMAN: No, my Lord, but in the same way that the promoter is going to have the opportunity to give you factual information, would it be open to me to send you similar matters if we disagree on fact at any case?

71. THE CHAIR: I think we will have to reserve our position on that. Normally, you would just have to present your position in committee before us. The promoter has a different function throughout this Bill, so I do not think we can give you the right to reappear, as it were, on that issue.

72. MR FREEMAN: I was not suggesting the right to reappear, my Lord, merely that, in the same way that you invited counsel to submit her evidence by message, I was just inquiring whether the same would be open to me.

73. THE CHAIR: What I suggest, in fairness, is that the message she sends to us should be copied to you to see what she is telling us, and if you have any point to make by a reply to that message, then you could let us know.

74. MR FREEMAN: Thank you, my Lord.

75. THE CHAIR: Thank you very much indeed for taking the time to come and present your case to us. Now, Mr Parsons, are you able to hear me all right?

76. MR PARSONS: My Lord, I am having some difficulties. If you do not mind, I will cup my ears while you are speaking, and although it will look very inelegant, it will give me more chance to give correct answers to you.

77. THE CHAIR: All I can do is do the best I can to speak into our systems we have in this room, and I hope you will be able to hear enough.

78. MR PARSONS: I appreciate the difficulties, my Lord, and I am very grateful, and when you bent it slightly, it was actually louder.

79. THE CHAIR: The trouble is that the thing is some distance away from me, but, anyway, what I am going to do is remind you of what I said to Mr Freeman, that the system we are going to operate in your case is the same. I am going to call upon counsel

for the promoter to explain why she says you do not have a right to be heard. When she has spoken, I will ask you, then, to present your case, and after that has happened, counsel will have an opportunity to reply. That is the procedure. I am going to call upon Ms Lean so that she can address us. Please listen very carefully to what she says, and let us know if you are finding it difficult to hear her as well as me.

80. MR PARSONS: Thank you, my Lord.

**Mr George Parsons**

81. MS LEAN: Thank you, my Lord. This petitioner is petition number 47 in the committee's table. In the promoter's table and letter to the petitioner, it is identified that the petitioner might have or might claim to have a right to be heard by reason of being somebody who is required to pay the levy, with the right to vote in an election for a Malvern Hills conservator, and that the individual enjoys the Malvern Hills or views of the Malvern Hills, so has some other interest in the Malvern Hills, but without alleging any proprietary or other specific interest over and above members of the public generally. The petitioner has also identified that he was a former trustee of the Malvern Hills Conservators.

82. My Lord, again, I respectfully refer back—would rely on the general principles that were set out in the committee's interim decision from last week, and the submissions I have made previously, with regard to status as a levy payer or an elector, or somebody who enjoys the hills more generally, and somebody who is a former trustee, and respectfully submit that there is nothing in this petitioner's petition that identifies any particular or different interest or impact on this petitioner than others who may claim standing on the same basis.

83. THE CHAIR: Mr Parsons, were you able to hear and understand what counsel was saying?

84. MR PARSONS: Yes, most of it. Thank you very much.

85. THE CHAIR: It is over to you now to make your case as to why you do have standing.

**Evidence of Mr Parsons**

86. MR PARSONS: Yes, my Lord. Thank you very much for allowing me to comment on the Bill, which has been greatly extended since the 1995 version. My name is George Parsons. I am a retired dentist. I have lived in Malvern for 57 years now, with five children and 13 grandchildren. Everybody who comes to visit and stay with us looks forward to getting out on the hills and enjoying the fresh breezes. My personal interest in the Bill is the protection of our rights to enjoy the hills in the same manner as I have done over the years, with freedom. I want to question proposed changes in governance, which will affect me.

87. Although I live half way up the hills in West Malvern, within five minutes' walk of the open hillside, and on ground that has commoners' rights attached to it, I have no immediate damage of my financial or property interests to complain of in the Bill's provisions. However, the direction in which the Trust's governance is heading is leading towards a worryingly increasing control of my financial security and my pleasures, which I need to draw attention to.

88. Please forgive my ignorance, my Lord, when I say that I am confused by the recent discussion on the place of the two petitioners in the Holocaust memorial committee hearing. They were allowed to claim that their regular outdoors activities would be damaged by the memorial's construction near their properties. I had understood that their situation was a valid ground to establish locus standi, but last week I heard that it was not to be the case any longer. The rejection of some petitioners, who have claimed to fear similar problems to my own in the future, means that their potentially important further evidence of private and environmental harm is lost. My own position is that I fear that the new demands of the Malvern Hills Conservators are sufficiently damaging to my enjoyment of the hills with my family and friends as to spur me on to suggest some resistance, if I am allowed.

89. The objects of the Acts from 1884 onwards have been consistent until now, usually with the exercise and enjoyment of the public at the head of the list. The other objects, to do with protection of the hills from any damage, and damage to plants, animals, birds and trees, have been extended by the Sandford principle, whereby, if that protection cannot be balanced with public usage, it should take precedence. That nature is judged to be more important should not, however, mean that any permanent restrictions are put in place on public use. The Charity Commission CC3 for the



information of new trustees makes it clear that a regular re-evaluation of all such decisions is a necessary duty of the board. The last two paragraphs on page 32 refer to this.

90. In my experience, the view of the Trust so far has been that it is no business of trustees to monitor any situations, always resisting oversight by claiming that these are operational matters. The ground staff and others have even been told not to speak to trustees, in spite of the Charity Commission's written instructions that all information must be freely shared for monitoring purposes. This is in order to ensure that work has been satisfactorily carried out, of course. It is relevant to the Charity Commission statement that trustees may be liable for any losses that they have allowed to result when things are not done properly.

91. I would like to just read something I have written here. I am sorry, my Lord. I will be sorted in a second.

92. THE CHAIR: Do not hurry. We have plenty of time.

93. MR PARSONS: Yes. The follow-on to that is that, although I am a levy payer, Clauses 33 and 71, to do with the levy and the land that controls future levy decisions, directly and specially affect me as a levy payer by keeping me in a paying class while excluding others who would never be required to pay under the new provisions. I cannot understand why the wording has been put into the new Act that will be so vague as to how decisions will be made in future, as to who will pay and who will not pay. There appears to be no proper organised framework.

94. Levy payers have a distinct financial burden, which non-payers sharing the same benefits do not. The existing Malvern Hills Acts allowed for the levy to be applied in respect of additional commons and waste lands at any time and from time to time. That power has been there, but Malvern Hills Trust has so far chosen not to use it, in spite of it being illogical and unfair. The Trust is understood to have stated that there is nothing in it for them to conduct such an exercise as they will not gain any money.

95. Under the new provisions, Clause 33 of the Bill sets out the parishes in which a levy may be charged, but Clause 71(6) narrows and formalises how any future extension of the levy area could happen by requiring a specific statutory process via an order.

Levy payers are directly and specially affected because Clause 71 preserves the current unequal charging regime by only conferring the power to extend the levy-paying area on any lands acquired after the Bill has been enacted. The clause therefore fails to provide for the possibility to extend this liability to other existing beneficiaries, and therefore preserves a particular detriment to the levy-paying class, who will be exposed to rising levy charges.

96. We are directly and specially affected by the new electoral arrangements as well. My financial and governance interests are in this section. Levy payers are specially affected by Clauses 8 and 18 to 27 of the Bill, because these clauses change how the people who control their compulsory levy are chosen, while leaving the levy in place and still confined to them. Non-levy payers now have the advantage of being able to put themselves forward for election, so levy payers will lose their own local levy-paying trustee for each ward and parish. Instead, they will have to choose six trustees from a single list for the whole of the area of Malvern Hills, which makes it much harder for individual communities of levy payers to secure someone closely tied to their locality or their personal concerns.

97. Any potential trustees or current trustees wishing to stand for re-election under the new provisions are likely to incur very significantly increased expenditure. Instead of leafleting levy payers in their own ward, they will need to leaflet all the levy payers across the whole of the area—a very costly and labour-intensive procedure.

98. Appointed trustees have an influence on the levy payers, and it is affected by Clauses 8 and 14 to 17 of the Bill, because levy payers move from a board with a strong local government presence, drawn from the wider Malvern area, to one where at least half of the board can be appointed on skills grounds without any connection at all with the levy-paying class. As the appointed trustees can be drawn from anywhere in the country, this further dilutes the levy payers' ability to have a say in how their levy is spent.

99. In 1884, the first Act was passed by Parliament, but the Commissioners Clauses Act some years earlier states that the annual meeting of ratepayers, as they were called then, chooses the auditors. We now see, tucked away at the end of the new Bill, that after some rumpus three or four years ago, when it was finally established that levy

payers did have the right to choose auditors in spite of the way that the Trust had been managed previously, it was stated that the responsibility for choosing the auditors would in future be the responsibility of the board. As far as I can tell, this is tantamount to schoolboys marking their own homework. The board spends the money—in this case around £1 million—doing something that the majority of levy payers and ratepayers disapprove of to some degree—in many cases very strongly—and yet they want to have control over the audit.

100. Over the years previously that was the case, and certainly, when I joined in 2019, the first difficulty that cropped up in board meetings was that a person with enormous accounting experience had been engaged in questioning the accounts and the audit as far as the Trust reserves and the debit on the personal pension scheme were concerned. He was pointing out that the way that they were entered in the accounts was not consistent with modern practice, as recommended by the Charity Commission. He did not get a satisfactory answer to his first question, and in fact repeated it, I think, on three occasions, in slightly different ways. The finance officer at the time was bothered by the fact that she did not seem to be able to make sense of it and suggest how it could be valid. Her distress led to the CEO raising a serious incident report to the Charity Commission, saying that she was being harassed and abused by this person who wanted information by constantly repeating himself.

101. THE CHAIR: Mr Parsons, if I can interrupt you, if you forgive me, you are getting into the details of your points you would like to raise if you do have a right to be heard. We are concerned with the preliminary question as to whether you do have that right, so for the moment we do not need to go into the details of your complaints.

102. MR PARSONS: I am sorry, my Lord. Yes, I quite understand. The point that I am making, really, is that this is a very serious change in the Act, which gives the powers to the Trust staff and senior employees, and removes them from me as an elector. The position that I have is that I have lost trust in the board's administration. This started, actually, from before I joined. What happened was that the board publicised the 2019 consultation document, which I read in full and was surprised to see that it looked as though it had been written in a way that was not even-handed. At the beginning, it asserted that reducing the board by over half would result in a more efficient and effective governance. The basis for that was that somebody had published a theory that

the ideal number of people on a board was seven, and that the more you had over that reduced the efficiency of the board by 10% for each one. This is some sort of misinformation, which I think can hardly be justified.

103. THE CHAIR: Again, you are rather drifting off the subject that is of concern to us this morning. You are getting into the detail of your complaints, and that is not our job this morning.

104. MR PARSONS: I am sorry. The point is that the way that the Trust has behaved is not open. Things are put in that do not conform to the Nolan principles of integrity and objectivity. This affects me deeply because my prime interest, all my life, has been in integrity and knowing how things work properly. It does affect me deeply, and it has done for all the period since 2019, when I read this consultation document.

105. The essence of the document was reduced in 2024 or 2023—the next one—with the explanation that everything in the previous document that had got a reasonable level of public acceptance was not repeated again. The consultation was, in fact, not a complete consultation. It was several years later and should have been complete, but, apart from that, the way that the consultation results were published and passed on to us as board members was sketchy in the extreme, and resulted in us being asked to pass the proposal to put the Bill before Parliament when we were, in fact, a completely new board who had got no experience of how the previous board had acted and how these things had been discussed. We were denied access. I was denied access to the previous documents. It means that the element of trust in what the staff, the CEO, and the seniors were proposing was knocked sideways. Really, you cannot take them at face value if things are done in that way.

106. The Commissioners Clauses Act clearly said that auditing was to be done by the public—by the levy payers, in fact, in order to guard their financial situation. This does affect me because the way that parts of Schedule 4 are written mean that the board will have access to regulations that allow them to shuffle land around or buy or sell land, which, at present, is not permitted. This will affect my interest as a levy payer.

107. The loss of individual democratic responsibility will result in some people being elected merely on the basis of how often their photos are shown in the local newspapers. If they are often in the public eye, they will have a much better chance of being elected

because the list, being a single list, will not be so well known as members of a particular area, and therefore cannot represent me properly. If I want to make some change or comment, there will only be one person, apparently, chosen by the Trust—chosen by the board—to have face-to-face conversations with trustees.

108. The loss of individual responsibility is something that I find is very important, and without any real feelings of being associated, there will be no easy contacts. This means that there will be no representation of what we think before the board. We have been told not to use the word “representative” frequently. The Trust claims that we cannot be represented in this way, and also claims that an elected trustee may not represent the people who elected him. It is just one obvious example of how the proposed governance changes will change relationships between the Trust and the townspeople, who already contribute half a million pounds a year at present towards the Trust’s costs, as you have heard.

109. The attempt to reduce the local democratic influence on the Trust’s activities, together with the nomination of some experts in various administrative roles, would create a situation in which I would be left with much less representative contact with the Trust. It is even proposed in Schedule 4 that staff will not be expected to take calls immediately at the office, or respond to requests for information until their priority has been established and timetabled for reply. This means that the staff are telling me that I must wait and be served at the staff’s convenience, even if I was still a trustee.

110. There are, in front of you, I think, copies of documentary evidence that the Malvern Hills Conservators is a public body. I do not propose to read through that because there is quite a lot of it, and it is perfectly obvious that the effects of 100 years of parliamentary oversight have resulted in it being a public body, whether it styled itself so or not. The hybrid body, which it is more correctly called at the moment, is subject, of course, to charity law as well as the laws of the land. So far, the Trust has chosen to very often take charity law as its preferred option.

111. The Trust has published some suggested changes to governance. This is the third time in six years that governance has been updated, and I find that some of it looks untrustworthy. For instance, if you have the document “suggested changes to the Malvern Hills Trust” with red ink on it, there is far too much for me to go into at the

moment because I do not want to waste your time, but one thing that occurs right at the top, which is good—“preserve the natural aspect of the hills”—later on gets lost and demoted to the bottom. The fourth bullet point—“keep the hills unenclosed and unbuilt on”—is going to be changed because, in fact, there is a strong wish in the board to fence off the commons and create a completely different appearance and feel of the open sites.

112. Where we get down to charity trustees in the middle of page 2, it says, “The conservators (referred to as trustees)”—and then the next five lines are crossed out—“are responsible for controlling the management”—and that has been crossed out too. That is *The Essential Trustee* and your decision in the book CC3, but controlling the management is exactly what trustees are expected to do, and now we see it is crossed out.

113. THE CHAIR: Mr Parsons, again, you are going into too much detail. We are really interested in your right to address us on these; we are not really looking at your complaints at this stage, so I wonder if you could perhaps bring your speech to an end, really, because, for reasons I do understand, you want to get into the detail, but it is not what we are concerned with.

114. MR PARSONS: Certainly, sir. I would like to show a brief example of how things can go wrong when the Trust is bound by principles that it has subscribed to inappropriately.

115. THE CHAIR: Again, that is getting into detail that we do not need to look at today. You make the points. You are making general points, which we can follow, but we do not need to get into the detail of it.

116. MR PARSONS: In this case, I was proposing to show a few slides to show my interest in the estate itself—in the woodland, in particular, in Park Wood—if you will permit me to have just three or four minutes, my Lord.

117. THE CHAIR: Yes, you can do that. Yes, of course.

118. MR PARSONS: Very good. Thank you. If I can have the first slide of the group that I have put in, this shows one of the borders of Park Wood on West Malvern. This is wild garlic growing in the springtime. That is in 2012, about February or March. You

can see that there is a deal of open space between the trees. I am not talking about the field beyond, but it is something that has made the wood very attractive. My children and I all loved it and spent a lot of time there.

119. Next slide, please. This shows that there were parts of it which were getting filled up by seedlings from the ash trees, but it is still possible to make your way through it if you are very interested in being in the wilder parts. And the next. This is the part of the wood where some of the saplings have been taken down after we purchased the wood, and it shows a great deal of open ground, which has been designed to encourage the flowering of spring flowers and other vegetation. Next. Unfortunately, the people who had the job of clearing had the right to do what they wanted with the wood that was brought down. As well as clearing the ground very widely, they used it as a basis for selling logs to people, and you see that the ambience of the wood is completely spoiled.

120. Next. This is where the tops of the trees have been stacked up into barriers to prevent the public from going freely through the wood. Next. These are tubes that have been put around saplings in order to deter the deer and the squirrels. Following their removal, they were thrown on the ground and left there for many months. This is not what the natural aspect of a wood is meant to look like, and yet one of our big, big concerns is maintaining natural aspect. This is how the land committee have failed to do their job.

121. Next. Again, here we have heaps of branches stacked up at random. It is, of course, a good thing for wildlife to have places to shelter, but what is preferable is that stacks of random cuttings and brushwood are not placed in areas where people are mostly walking, but tucked away somewhere behind a tree so that the animals still have protection without impeding the public.

122. Next, please. These trees are growing in the floor of part of the original quarry. Park Wood was originally a limestone quarry. The quarrying ceased about the turn of the last century, and the limestone was used for creating quicklime for commercial use. The trees have managed to colonise it in quite an interesting way, but they cannot be allowed to go on multiplying because they seed very freely, and there are tens of thousands of ash seedlings in the wood at the moment.

123. Next, please. This is an example of how the people who look after the wood

operate. When they take a tree down, it looks like an abandoned factory site. Next, please. You can see here that they are not only cutting the trees into logs, but also creating planks, which is creating a lot of sawdust, and creates an even stronger impression of a factory site. Next. This is the way that stuff is piled up. I do not think that is natural. It is not in the way, but it is not good in a wood.

124. Next. This is where the wood has been kept without too much attention. You will notice that the openness between the trees is very attractive. Even in the wintertime it is pleasant to walk there. Next. But this spoils it when they cannot be bothered to move the stuff that has been sawn up. In the areas that have been cleared, it still looks like a mess. It is not natural. Next. Here is another heap upon the side of a path—even worse, really. Next, please. Then of course there was the financial aspect of it, where lots and lots of wood was stacked up beside the entrance to the wood, with a view to being sold off to the public.

125. Next. This is how the garlic looks when it is in flower in the late winter. It is very pleasing, but it is taking over. I am sorry about the bin; that is evidently there for the benefit of the wildlife at some time previous to our purchase, I imagine.

126. Next. This is what the wood was famous for. In many parts of the wood and the adjoining field, the juxtaposition of garlic and wild hyacinth was absolutely wonderful, but at times you find that the ground staff build their log piles on top of the places where the hyacinths are meant to grow. After a year or so, they die back and disappear, so although these are a protected species, they are being killed off by some of the aspects of mismanagement in the wood.

127. Next. Here we have the parts of the wood where the saplings have really taken hold. Next. You will see that this is virtually impenetrable. It is a mixture of brushwood and bramble, and it should be cleared, but in fact it leaves large sections of the wood not open to public access. Next. Here, again, is an example of piles of sticks left lying around. When they are overgrown, as some of them have been by brambles, they become a danger to people walking because of the risk of falling. You cannot always see them. Next. Even worse, we see an area of open ground with multiple piles of brushwood lying there waiting to disintegrate. They will take a long time to do so because there is no grass, no brambles or anything. They will not be moved.



128. THE CHAIR: I think you have probably come to the end of your slideshow.

129. MR PARSONS: Yes, it has evidently been trimmed down quite a bit by the owners, but what it failed to show was that the hundreds of saplings that we were given as a Trust to plant in the wood in order to increase the stock of hazelnut trees, with a hope of getting door-mice to increase their numbers, have now grown to a position where you literally cannot thrust your way through them. It is impenetrable.

130. THE CHAIR: Mr Parsons, I am going to have to ask you to bring your submissions to an end, really, because you have addressed us at considerable length. You have made some very interesting points, and we have enjoyed looking at the photographs, but we really need to bring your submissions to an end.

131. MR PARSONS: Yes, very well. I can cease there. There is a lot of paperwork that I have sent for you to look through, so I will stop there.

132. THE CHAIR: Yes, we have the paperwork and we can look at it at our leisure. Thank you very much.

133. MR PARSONS: Thank you for your help.

134. THE CHAIR: Ms Lean, do you have any points you want to make by way of reply?

#### **Response by Ms Lean**

135. MS LEAN: My Lord, just a few brief points, if I may. Firstly, just one point, which echoes something I said last week, but I just think it perhaps bears repeating, which is that, as this is a hearing about right to be heard, and not the substantive hearing of the petitioner's petition, there are a number of things that have been said today involving characterisations or criticisms of Trust conduct, or what may have happened by a particular person in respect of a particular event in the past, to which the Trust would no doubt wish to respond. This is not the right forum for doing that, but I really wish just to put a marker down so that those who may be reading the transcript or following the proceedings live via the website do not take the lack of response as being the Trust accepting or not disputing matters that have been said about that today.

136. I am sorry, my Lord. If I could just put that marker down from the promoter's perspective, and obviously, to the extent that we need to do so, we will address any matters relating to that during our substantive evidence before your Lordships' committee.

137. THE CHAIR: I think it makes more sense to examine these things when we come to look at the particular clauses, and then we have a real context to focus our discussion on.

138. MS LEAN: Indeed, my Lord. I am very conscious that your Lordships' committee will be scrutinising all of these matters in detail, and has already indicated that there are things you will wish to hear from us on, to do with things like governance, and interactions between trustees and staff and those who are levy payers, and suchlike. As I said, it was perhaps more directed to those who may be following proceedings from afar, who may wonder why there has not been a response, or if there is not a response that could be given to some of the points that have been made.

139. My Lord, if I could briefly just pick up on a few of the other points. My Lord, the petitioner referred in his capacity as a levy payer to particular concerns to do with what is now Clause 71—the power to potentially bring in additional parishes or areas within the levy-paying area—and what is said to be a difference between the Clause 71 and land going forward, and what is the previous position to bring in additional land at any time, as it were.

140. My Lord, those are references, as I understand it, to Section 33 of the 1884 Act and to Clause 71, which I referred to during the course of yesterday when it was raised by another petitioner. I drew attention to the temporal restriction of the qualifications that there already are in Section 33 of the 1884 Act. It is not a power at any time for the Trust, of its own volition, to alter the levy-paying area. It is linked to—at a time of acquiring land and additional parishes—the land commissioners approving it. My Lord, I do not want to go back over everything I have said, but just to highlight that I understand what the petitioner was referring to to be a matter I traversed, I think possibly in respect of Mr Watts's petition yesterday.

141. Secondly, with regard to auditors, again, perhaps I can just highlight a couple of references for your Lordships' note. The relevant power currently with regard to

auditors is Section 92 of the Commissioners Clauses Act 1847, which you have in your R bundle at R296. The new clause in the Bill is Clause 37, which you have at R63.

142. If I may roughly paraphrase, just in the interests of time and not having to jump around between documents, Section 92 of the Commissioners Clauses Act 1847 essentially says that, where there is specific provision in the special Act, the ratepayers, at a said annual meeting, may appoint two or more persons, not being commissioners, to be auditors of the accounts of the commissioners, and if no other person present proposed the name of two persons to be appointed auditors, it should be the duty of the chairman to do so. That is the reference to, potentially, the role of ratepayers currently in terms of appointing in auditors, to be done at the annual meeting. It is a little bit out of date, unfortunately, because Section 92, as it still stands, provides that such auditors shall receive a reasonable remuneration for their time and trouble, not exceeding two pounds and 10 pence for every day in which they are appointed, and reasonable expenses.

143. My Lord, I just highlight that that is the provision there at the moment. The proposal under the Bill, Clause 37, is that the Trust's auditors must be appointed by the trustees at the annual meeting, for such a period and for such reasonable remunerations as the trustees think fit. Just to stress that an annual meeting is one which is open to members of the public by reference to the other provisions of the Bill. I just highlighted that because I know it has been raised yesterday. It has been raised today. I thought it was right for me to tell you where the clauses are as a long-winded way of coming to my point, which is that, with all due respect to this petitioner, whilst it is obviously understandable that this is a point that has been raised saying, "There seems to be a change here", that is not a change or a provision of the Bill that specifically and directly affects this petitioner or this petitioner's interest differently to any other levy payer in the same situation.

144. THE CHAIR: Can we go into all that detail when we come to 37? We are not really wanting to get into that today, are we?

145. MS LEAN: No. Indeed, my Lord, and to say that this is a clause that no doubt will have to be scrutinised by your Lordships' committee in any event, and therefore there should not be a concern that, if this petitioner is not given a right to be heard to

come before your committee to raise these points, it will somehow fall away. Forgive me. I just thought it might be helpful for me to outline where the particular provisions were, given it has been raised today and also yesterday.

146. My Lord, the further point to raise was just in case it provides some correction. There was a concern raised about exchange of land and Schedule 4 powers. Again, as we have touched on yesterday, powers to acquire or to dispose of or to exchange land are specific clauses in the Bill. They find their forbears in existing legislation. This is not something that is somehow introduced through Schedule 4, but again, to the extent that the petitioner may feel that his interests are affected as a levy payer because of the powers of acquisition or disposal or suchlike, for the purposes of standing, he is no differently or specially affected, or has identified any way in which he is affected differently to any other levy payer who is so affected.

147. Again, as your Lordships' committee will be well aware, these are clauses that will have to be scrutinised and considered in detail by your Lordships' committee, so the fact that this petitioner may have a particular interest in them but does not have standing, as of right, to bring them to you does not mean that somehow they will not be looked at or we will not have to justify, to your Lordships' committee, those clauses and those powers that are sought in the Bill.

148. Finally, my Lord, with regard to the slides and the photographs at the end, clearly there are particular parts of the Malvern Hills and Commons in which this petitioner has a particular interest, with which he is particularly connected, which he particularly enjoys. However, in my respectful submission, the matters that were raised during his presentation did seem to be issues going to things that have happened historically or what is being done today. They did not touch on a specific provision of the Bill or something that is in the Bill that would affect that or could cause an issue, and more to the point, cause something that specifically and directly affects this petitioner, as opposed to being a power that would generally apply in respect of the hills and the commons generally.

149. My Lord, unless there is anything I can particularly assist with, that is my brief response to this petitioner's submission on his right to be heard.

150. THE CHAIR: Any questions? Thank you very much. Mr Parsons, I think we

bring your case to an end now. What I am going to say to both you and Mr Freeman is that we are reserving our decision. We need to think about the points you have made to us, and we will give our decision on your two petitioners next Wednesday. We will not do that today. It will be next Wednesday just before lunchtime. Thank you both very much. Thank you, Mr Parsons, for your presentation. I am going to bring this session to an end now, and we will sit again next Tuesday at 10.30.

*Sitting suspended.*

*On resuming—*

151. THE CHAIR: We are now able to announce the committee's decisions on the right to be heard of the petitioners who appeared before us this week. They are as follows.

152. One, Ms Cora Weaver. She is a levy payer, is a frequent user of Malvern Hills and has written and published many books about Malvern's history. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that she is specially and directly affected on these grounds by any of the provisions of the Bill.

153. She also submitted that she would be affected by reason of the fact that the parish of Malvern Link, which was listed in Section 3 of the Malvern Hills Act 1909, is not listed in Clause 33(4) of the Bill as one of the parishes within the area in respect of which a levy may be issued. She said that the effect of its removal from the list would be to increase the burden on those who are called on to pay the levy. There are two answers to this point. The first is that her position in that respect as a levy payer is no different from that of all the others. The second is that the parish of Malvern Link no longer exists. The area over which it extended now falls within what is referred to in Clause 33 as the parish of Malvern Town. For these reasons, this further submission cannot be accepted.

154. Two, Andrew Myatt. He is a levy payer and uses the land managed by the Trust as part of his daily life. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that he is specially and directly affected on these grounds by any of the provisions of the Bill.

155. But he is also a trustee, as he is an elected member of the board of conservators. He was elected to that position on 18 September 2025. This was not mentioned in his petition, which was submitted on 28 January 2025, so we allowed him to make further submissions based on his position as a trustee. He does not seek to be heard on behalf of the Trust. He asks to be heard in his own right as an individual officeholder whose statutory position, tenure and accountability, as set out in the existing law, is being directly altered by the Bill. His point is that the effect of the restructuring is that an elected trustee in his current position would be exposed to removal by special resolution within months of election.

156. We do not feel able to hold that he has a right to be heard on this ground. His position is analogous to that of members of the bodies referred to in Standing Order 115. It provides that, where a Bill is promoted by an incorporated company, society, association or partnership, the Select Committee shall not consider petitions by its members unless their interests, as affected thereby, are distinct from the general interests of the company, society or partnership. See also *Erskine May*, 25th edition, 2019, pages 1,127 to 1,178.

157. As to whether he is able to show that his position is distinct in that way, an early example of the application of this rule is to be found in the Newport (Monmouthshire) Corporation Bill, 21 May 1889. A single harbour commissioner claimed that he was being disenfranchised because the constitution as to the number of commissioners that were to be elected for a particular trade was to be reduced while the representation of the other bodies on the commission was to be proportionately increased. It was held that he was not entitled to be heard against the Bill as it was a Bill that the commissioners, as a body, had approved. Mr Myatt's argument falls within the scope of that ruling.

158. We cannot, however, overlook the fact that Mr Myatt was elected by 515 votes to 172 on an undertaking that he would oppose the Bill and hold its promoters to account, and that at a special meeting of the board on 9 October 2025 it was resolved by votes in which he was not permitted to participate that he had a conflict of interest due to his having lodged a petition against the Bill and that papers, advice, letters, emails or other documents relating to the Bill should be withheld from him. While it is not open to us to review decisions taken by the board, their effect is that Mr Myatt has been denied the opportunity to do what he was elected to do by a substantial majority.

159. In view of this fact and the mandate that he received from his electorate, we have decided to exercise our discretion under Standing Order 118 in his case as an inhabitant to enable him to develop his case on the aspects of the Bill that cause him concern. His presentation of the arguments that he seeks to raise will be of assistance to us in our consideration of the instructions that were passed at Second Reading.

160. Three, David Barry Smallwood. He is the owner of a house on the edge of land owned by the Trust. The only access to that property is through a gate that opens directly on to it. He drew our attention to the nine matters mentioned in his petition on which he wishes to be heard, but he has not persuaded us that he is affected in a way that distinguishes his case from the others who may be so affected. It has not been shown that he is specially and directly affected by any of the provisions of the Bill to which he refers.

161. Four, Geoff Titmuss. He is a local resident who lives in Madresfield at the base of Malvern Hills. In the forefront of the view of the Malvern Hills that he enjoys from his property are fields that have been identified as employment land in the south Worcestershire development plan. They are currently protected for development by the fact that their verges are owned by the Trust. That would change if the Trust were to grant an easement over them, which it would have power to do under Clause 55(3) of the Bill. He claims that their development would directly affect the value of his property and considerably spoil his view.

162. We are not persuaded that he has established that he is directly and specially affected by the Bill on these grounds for two reasons. The first is that the power to grant easements in Clause 55(3) is not new. It was introduced into the legislation by Section 8 of the Malvern Hills Act 1995. His position cannot in that respect be affected by any of the provisions of the Bill.

163. The second is that depreciation in the value of his property of the kind that he anticipates would amount to what is known as non-statutory blight. That is to be contrasted with the situation that is provided for in Chapter 2 of Part 6 of the Town and Country Planning Act 1990, where a remedy is available under the statute that enables owners of property that is affected by planning proposals to serve a notice requiring the appropriate authority to purchase the blighted land. Non-statutory blight of the kind that

Mr Titmuss anticipated has never been treated as a ground for petitioning against a private Bill.

164. See High Speed Rail (London – West Midlands) Bill, paragraph 15. That was a Bill that was concerned with the compulsory acquisition of property or the interference with property rights, which this Bill is not. But non-statutory blight can occur in a variety of ways beyond the ways contemplated by that Bill. We see no reason why the general rule that was applied there should not be extended to this case.

165. Five, Mrs Valerie Goodbury. She is a levy payer and the joint owner with her husband of property, egress from which is directly on to land owned by the Trust. For the reasons given in our interim decision of 22 January 2026, we are not persuaded that she is directly and specially affected by any of the provisions of the Bill in her capacity as a levy payer. As to her point about the effects on her of any major change in the governance of the Trust, she is not specially and directly affected because her position is the same as that of many others who can claim that they are liable to be affected in the same way.

166. Six, John Watts. He is a levy payer and a former trustee. He set out his argument on his right to be heard in a written paper that he presented to the committee and developed in oral argument. He was at great pains to stress that his right to be heard is based on his being a levy payer. His principal complaints were that the Bill fails to address what he saw as the need to expand the tax base on which the levy currently depends, that it gives the Trust a blank cheque to acquire land at the expense of the levy payer and that it removes the right of the levy payer to vote on who audits it at the annual report and on the scope of the general power in Clause 83. These complaints relate to points that would be open to him to develop if he had a right to be heard, but they do not show that he is specially and directly affected by the Bill in a way that distinguishes his case from the other levy payers.

167. Seven, Anne Dicks and Malcolm Dicks. They are levy payers and she walks her dog twice daily on the commons. For reasons already explained, we cannot hold on these grounds that she is specially and directly affected by the provisions of the Bill, but there are other things that she does that deserve to be taken into account. Her volunteering extends to a variety of causes that seek to support those with sight loss.



These include guide dogs, Malvern Sight Loss Club and Malvern Talking News. She is a sighted member of a visually impaired group of Morris dancers who dance every Boxing Day and Easter Monday on Trust land to raise money for guide dogs.

168. Her concern is that her activities in support of such causes on Trust land may be inhibited by the licensing system provided for in Clause 63 and by the way that the powers referred to in Clause 84, read together with Schedule 4 of the Bill, may be exercised.

169. We do not think that she personally is specially and directly affected by any of the provisions of the Bill, but, in view of the charitable work that she does on behalf of the community, we have decided to exercise our discretion under Standing Order 118 in her case as an inhabitant to enable her to develop her case on these aspects of the Bill. We were asked by counsel for the promoter to limit her right to be heard to the clauses that could affect her activities, but we prefer not to do that at this stage so as not to unduly inhibit the scope of argument on the points that she wishes to develop.

170. Anne Dicks's co-petitioner, Isabel Holdsworth. She is a levy payer and, as she is blind, relies on the help of a guide dog, which her friend takes for regular walks on the hill. She too is concerned about the possible effects of the licensing system provided for by Clause 63 and the new powers referred to in Clause 84. She might not be able to afford the cost of any licensing charges for the necessary exercising of her guide dog on Trust land. We do not think that she personally is specially and directly affected by any of the provisions of the Bill, but, in view of the fact that she represents disabled people in the community, we have decided to exercise our discretion under Standing Order 118 in her case as an inhabitant to enable her to develop her case on these aspects of the Bill. We prefer not to limit her right to be heard to those clauses at this stage so as not to unduly inhibit the scope of argument on the points she wishes to develop.

171. Nine, Anne Dick's co-petitioners Alison James and Stephen Matthews, Suzanne Dowson, Michael and Shirley Crowe, and Deirdre and Philip Drake. They are all levy payers and, in their various ways, use and enjoy the benefits of Malvern Hills. We are not persuaded that they have a right to be heard as people who are specially and directly affected by the provisions of the Bill.

172. Ten, Mrs Sue Spencer. She is a levy payer, uses the hills when she can and, as a

carer for her son, finds the views of them that she enjoys a source of great comfort. Opposite her house is a field that could be built on, should the Trust sell it or grant an easement over the land that adjoins her property. She is also concerned as to how the powers relating to public meetings on Schedule 2 might be exercised. We are not persuaded that she has a right to be heard on these grounds.

173. Eleven, Professor Jerry Tew. He is a levy payer and walks on the hills on a daily basis. His property is adjacent to Trust land and vehicle access to it is obtained by a track that is owned and maintained by the Trust. He claims that he is specially and directly affected by the Bill because of the changes in the constitution of the Trust set out in Clause 8, which, he claims, will deprive him of the means of making complaints about the upkeep of the track to the conservator for his local area.

174. We are not persuaded that he has a right to be heard. His position as a levy payer and user of the hills is no different from the other petitioners who are in that position. The point that he makes about the effect of diminished local representation on the Trust is not unique to his case. It has also been noted that Clause 8(6) provides that the trustees must select one or more of their number to act as a point of contact between the Trust and the inhabitants of any of the parishes within the Trust's area.

175. That concludes our decisions on the points we heard this week. Our decision on the petitions we heard this morning will be the subject of decisions to be delivered next Wednesday. Thank you very much.