

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR LEISURE AND ARTS

Decision Made: 16 December 2022

Maidstone Museums Governance

Issue for Decision

Maidstone Museums operate as an in-house Council service but there are a number of Trusts associated with the Museums. The Council reviewed these governance arrangements in 2017, when it was decided by the former Heritage, Culture and Leisure Committee to retain the current governance arrangements.

Given the elapse of time since 2017, it is appropriate to review these arrangements.

Decision Made

1. That Maidstone Museum and Maidstone Carriage Museum (collectively known as Maidstone Museums) remain as directly provided services within Maidstone Borough Council.
2. That Maidstone Museums continue to work with the Queen's Own Royal West Kent Regiment Museum Trust and the Bentrif Wing Trust.
3. That Officers ascertain the intention of the Trustees of the Brenchley Trust in relation to the future of this Trust.
4. That arrangements with the Maidstone Museums' Foundation and Kent Archaeological Society be formalised by means of Memoranda of Understanding.
5. That the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time.

Reasons for Decision

Maidstone Museums consist of three Museums: Maidstone Museum, Queen's Own Royal West Kent Regiment Museum (QORWK) and the Tyrwhitt-Drake Museum of Carriages (The Carriage Museum). Both the Maidstone Museum and the QORWK Regiment Museum are located in the Grade 2* listed Museum building on St Faith's Street, Maidstone. The Tyrwhitt-Drake Carriage Museum is located within a Grade 1 listed tithe barn, ten minutes' walk from the main Museum building. The Museums operate as an in-house Council service and are fully integrated with the rest of the Council services, with the staff employed by the Council.

The vast majority of the 650,000 items in the Museums are owned directly by the Council. However, the Museums also house collections associated with three separate Charitable Trusts.

Queen's Own Royal West Kent Regiment Museum Trust

The Council is sole Trustee of the Regiment Museum Trust. The Trust's assets have transferred to the Council, but the Council retains responsibility for managing, curating and insuring the Collection.

The Brenchley Trust

The Brenchley Trust was established to maintain, preserve and exhibit a Collection of objects of Natural History, Mineralogy and Ethnography presented by J L Brenchley to the Maidstone Museum. The assets have transferred to the Council, but the Council is responsible for the care, management and accreditation of the Collection.

The Bentlif Wing Trust

The Bentlif Wing Trust was established in the nineteenth century to manage the then newly constructed East Wing of the Museum, including a Collection owned by the Trust, and was endowed by the Bentlif family with funds for this purpose. Over the years these funds have reduced, and the Council took over the day-to-day running and maintenance of the East Wing. When the Council decided to renew the East Wing in 2009, a Deed of Variation to the Trust was signed, giving the Council an obligation to conserve and store the Bentlif Collection and to provide cleaning, maintenance, supervision and security for the Bentlif Wing and its Collection. Curatorial services are provided by the Council, as are legal, minuting, and financial services. The Deed gives the Trust control of access and use of some rooms within the building.

In addition, the Museum is supported by the Maidstone Museums' Foundation (MMF). MMF is an independent Charity supporting the Museum by raising money for projects and educational activities.

Finally, the Museum has, since the nineteenth century, leased space on the premises to the Kent Archaeological Society.

In March 2018 Members voted to retain the existing governance arrangements of the Maidstone Museums. A report to the Heritage, Culture and Leisure Committee at that time considered the options for finding a new method of governance for Maidstone Museums. In summary, the report found that, while transfer of all the activities into a single, overarching Charitable Trust could bring some, longer-term, strategic advantages to the Museums, it would not benefit the Council as a whole since financial investment would be required at a time when savings were being sought. Thus, Members elected to retain the Museums as they were, but they requested that Officers continue to monitor the Museum sector, any changes to the status of Charitable Trusts and anything else that might cause the decision to be reconsidered.

Since 2019, the impact of the Covid 19 pandemic and subsequent economic downturn has impacted all Museums, but independent Museums have been particularly hard hit with staff furloughed or laid off, income generation reduced and loss of core funding from local authority partners and Arts Council England. Those at risk have included The Royal Cornwall Museum, Metropolitan Police Heritage Centre and Fort Paul Military Museum.

One of the original drivers of the consideration of moving the Museums to trust status was financial. Based on the available evidence, potential savings of £200,000 were identified.

In the event, without changing the governance arrangements, over £152,000 savings have been made since 2017 through restructuring the Museum Service. In addition, a successful Business Rates appeal reduced the Museums' rateable value from over £200,000 to £56,000, creating more savings for the Council.

In the meantime, the following steps have been taken to streamline the arrangements relating to the Trusts associated with the Museums.

Dissolution of the Queens Own Royal West Kent Regiment Museum Trust has been considered, but by extinguishing the obligation to manage the associated Collection, it would require its removal from the Museum and disposal of the artefacts. The Trustees did not wish to take this step. Instead, they have agreed that the Trust will meet just once a year to receive a report from the Director of the Museum and the Head of Finance or their representative.

A similar move to dissolve the Brenchley Trust has been considered. In this case, as there are no particularly sensitive assets associated with the Trust, this is feasible. The process has been delayed because of the death of the Trust's Chairman and consequent lack of Trustees. It is proposed to appoint new Trustees who would consider whether it is appropriate to wind up or continue with the Trust.

The Bentlif Wing Trust has no wish to dissolve itself, and, indeed, the Trustees are keen to work with Maidstone Museum to make their Collection more accessible to the public. There are vacancies on the Trust, and it is intended to work with the existing Trustees to recruit new Trustees who have an interest in the Collection and its historical context, and who share the Trust's aspirations. It is therefore proposed to continue working with the Bentlif Wing Trust as laid out in the legally binding agreement of 2009.

Memoranda of Understanding have been agreed with the two related organisations, Maidstone Museums' Foundation and Kent Archaeology Society, to put the Museums' relationship with them on a more formal basis. Advice will be obtained from the Contracts team to ensure that they are in line with the Council's Procurement Standing Orders.

In general, since Members took the decision to retain control of Maidstone Museums, there have been no significant changes in the Museum landscape or in charity law which would necessitate Members reviewing their previous decision, especially as the financial target, which was an element of the investigation into Trust Status, has now been met by other means and work to simplify other arrangements is well underway.

Consultation Results and Previous Committee Feedback

Previous reports approved by Members of the then Heritage Culture and Leisure and Economic Regeneration and Leisure Committees are available.

This issue was considered by the Economic Regeneration and Leisure Policy Advisory Committee at its meeting held on 6 December 2022. The Committee

supported the proposals set out in the report and wished to add a further recommendation that the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time. This is reflected in the decision set out above.

Alternatives Considered and Why Rejected

1. To endorse the earlier decision of the Heritage, Culture and Leisure Committee and continue to carry out the Museums' Five-Year Forward Plan as agreed by the Executive Member in July 2022, with the Museums continuing to form part of Maidstone Borough Council with the existing governance arrangements, but with some minor modifications. The position to be reviewed in three years' time.
2. To pursue the idea of transferring the Museums to an independent Trust.

It is proposed that the Museums continue to provide a wide-ranging service as part of Maidstone Borough Council as no financial or logistical benefit would accrue to the Council for a change at this time and that the existing governance arrangements continue in place with some minor modifications, with the position to be reviewed in three years' time.

Background Papers

None

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.

Signed: _____

Lead Member for Leisure and Arts – Councillor Claudine Russell

Full details of the report for the decision and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#).

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm on 23 December 2022**