

**Future Governance of the Queens Own Royal West Kent
Regiment Trust**

Final Decision-Maker	Queen's Own Royal West Kent Regiment Museum Trust
Lead Head of Service	John Foster
Lead Officer and Report Author	Victoria Barlow
Classification	Public/Private
Wards affected	All

Executive Summary

Currently the Queen's Own Royal West Kent Regiment Trust (afterwards QORWKR) Museum is a separate charitable entity to the rest of the museum despite being managed by museum staff and the Borough Council being the only Trustee. It is proposed that the museum take ownership of the artefacts in the collection and that the trust be dissolved.

Purpose of Report

To decide the future governance of the QORWKR Museum

This report makes the following recommendations to this Committee:

1. That the collections of the QOWKR Museum Trust be transferred in their entirety into the ownership of Maidstone Museum
2. That it approves the reasons for dissolution which are:
 - a that the regiment no longer exists
 - b that the collection is managed and maintained by the Maidstone Museum staff
 - c that therefore the original purpose of the trust – to preserve and publicly exhibit the collection – is redundant, as the work is now carried out by the Maidstone Museum itself.
3. That, prior to the dissolution of the trust, officers request permission of the Charity Commission to spend the permanent endowment of the trust.
4. That the Chairman of the Committee signs the memorandum of amendment required by the Scheme to spend the endowment, set out at Appendix A
5. That, subject to permission being granted and following the expenditure of the endowment, the trust is dissolved.
6. That delegated authority is given to the Museums Manager, to take all necessary steps to spend the endowment and dissolve the trust in accordance with the

Trust Scheme dated 12 March 2007 and the Charity Commission's requirements.

7. That a further report is brought to the next meeting of the Committee detailing the action taken to spend the permanent endowment and dissolve the trust.

Timetable	
<i>Meeting</i>	<i>Date</i>
Queens Own Royal West Kent Regiment Museum Committee	29/7/19

Future Governance of the Queens Own Royal West Kent Regiment Trust

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>• We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims particularly in the contribution to <i>A Thriving Place</i></p>	Victoria Barlow
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> • <i>Heritage is Respected</i> • <i>Health Inequalities are Addressed and Reduced</i> • <i>Deprivation is reduced and Social Mobility is Improved</i> • <i>Biodiversity and Environmental Sustainability is respected</i> <p>These recommendations will help the Borough Council to achieve the cross cutting objective – Heritage is Respected.</p>	Victoria Barlow
Risk Management	<p>There is little risk associated with the recommendations in this report. It largely confirms the status quo in day to day activity and the dissolution of the trust is unlikely to receive adverse publicity.</p>	Victoria Barlow

Financial	The recommendations set out in this report are consistent with good governance and financial efficiency. There are no direct budgetary implications.	Section 151 Officer & Finance Team
Staffing	<i>We will deliver the recommendations with our current staffing.</i>	Victoria Barlow
Legal	<ul style="list-style-type: none"> The Trust is covered by its own governance document, a Charity Commission Scheme dated 12 March 2007. The recommendations are in line with that Scheme and with the requirements of the Charity Commission. 	Principal Solicitor, Corporate Governance
Privacy and Data Protection	<ul style="list-style-type: none"> Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. 	Policy and Information Team
Equalities	<ul style="list-style-type: none"> There is no impact on equalities arising from this report. 	Equalities and Corporate Policy Officer
Public Health	<ul style="list-style-type: none"> <i>We recognise that the recommendations will have a positive impact on population health or that of individuals.</i> 	Public Health Officer
Crime and Disorder		[Head of Service or Manager]
Procurement	There are no procurement implications to the recommendations in this report.	Head of Service & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 The QORWKR Museum Trust was established to provide a long term safe home for the collections relating to the Queens Own Royal West Kent Regiment which was disbanded in the late 1960s. As ex-servicemen were no longer to manage the collection, the council was identified as a safe repository for the objects.
- 2.2 The museum is currently responsible for the care, management and accreditation of the collection. The Local Authority is the sole corporate trustee and provides all financial and committee management for the Trust.
- 2.3 It has become clear over the years that there is no clear divide in the museum between the management of the collection and the management of the museum's other collections. In addition, there is duplication of services provided by finance, audit and democratic services which has a financial impact on the council's services.
- 2.4 Decision of QORWKR Committee on 6 March 2019

At the previous meeting, the committee decided in principle to dissolve the collection and donate it to the Maidstone Museum and asked for officers to draw up a clear set of reasons for the dissolution of the charity that could be submitted to the Charity Commission. Officers were also asked to provide a cost analysis for the conservation of the collection where required, the provision of putting the collection on-line and the provision of a memorial plaque. Officers were also asked to approach a representative of the Queens Own West Kent Regiment to see if they would be willing to be part of the new Friends Association to oversee the smooth transition of the collection to the Maidstone Museum. The committee also noted at that meeting, that officers had spoken to the national Army Museum, who confirmed that they would not be interested in taking the collection.

- 2.5 Advice has been provided by the council's Legal Services team on the correct procedure under charity law for the dissolution of the Trust.
- 2.6 One of the conditions of dissolution is that the charity's endowment is spent on furthering the objectives of the Trust. The current value of the endowment is £23,032. With this in mind it is suggested that the following projects are pursued:
 - Conservation of 3 Sikh Colours at a cost of £5600 and £6300+VAT The colours were taken as trophies by British Troops during the first Anglo-Sikh war in the 1840s. They are the only ones of their type in existence but are not exhibited due to their condition but have been items of interest to Indian and British historians and could have an important role in the telling the story of the regiment in the 21st century.

Conservation of French Tricolour at a cost of £7500 and £8, 420+VAT Similarly the tricolour was seized by British troops from Sikh soldiers in the Punjab but it was previously taken by the Indians from French troops. This object shows a different side to the concept of spoils of war

and should be considered as one with the colours above.

- Digital presentation of Kohima and Malaya Oral Histories on website and/or digital kiosks already in the gallery at a cost of approximately £6000. These recordings were carried out approximately a decade ago but need editing and making suitable for broadcast. As 2019 is the 75th anniversary of the Battle of Kohima, it would seem a fitting moment to make these available.
- Any left-over funds would be used to purchase conservation and storage materials for the on-going care of and access to the collection.
- Another memorial is not suggested as the war memorial in Brenchley Gardens already commemorates the regiment and the museum gallery is likely to remain even in a refurbished museum.

Another memorial

- 2.7 The trust is governed by a Scheme of the Charity Commission dated 12 March 2007. This states that if the trust cannot preserve and exhibit the collection, the collection must be transferred to an accredited museum.
- 2.8 The Scheme also requires prior written approval of the Charity Commission before the permanent endowment of the trust is spent.
- 2.9 The Scheme requires that the Chairman of this Committee signs a written memorandum of the amendment to the Scheme which enables the trustee to spend the endowment. A certified copy of the memorandum must be sent to the Charity Commission within three months of the decision. The proposed memorandum is set out at Appendix A.

3 AVAILABLE OPTIONS

- 3.1 That the collections be transferred to Maidstone Museum and the Trust dissolved. Oversight will then revert to the Economic Regeneration and Leisure Committee's oversight of the museum.
- 3.2 That no action is taken and the status quo is allowed to continue.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It has become clear that there is no longer a need for a separate Trust to protect the collections of the QORWKR. The collection is treated as a de facto part of the museum's collections in terms of both collections management, care and display. This means that there is duplication of work for those services supporting the Trust.
- 4.2 The committee will be presented with options for the dispersal of any remaining funds before the charity is dissolved. Any funds spent will be related to the care and future access to the specific collection

5. RISK

The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

The committee have previously indicated that they wish to consider the actions here suggested

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If members agree this action, we will work with the legal team to complete the processes required by the Charity Commission to ensure that the permanent endowment is spent and the dissolution of the Trust is carried out lawfully and correctly.
- 7.2 There will be no impact on the current display of QORWKR material in the museum.