

QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE MEETING

Date: Monday 29 July 2019
Time: 11.00 am
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox (Vice-Chairman), Cuming, Mrs Gooch, Harper (Chairman),
Mrs Robertson and Round

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

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| 1. Apologies for Absence | |
| 2. Notification of Substitute Members | |
| 3. Notification of Visiting Members | |
| 4. Disclosures by Members and Officers | |
| 5. Disclosures of Lobbying | |
| 6. To consider whether any items should be taken in private because of the possible disclosure of exempt information | |
| 7. Minutes of the Meeting held on 6 March 2019 | 1 - 3 |
| 8. Minutes of the Meeting held on 21 May 2019 | 4 |
| 9. Presentation of Petitions | |
| 10. Questions and answer session for members of the public | |
| 11. Accounts 2018/19 | 5 - 9 |
| 12. Future governance of the Queens Own Royal West Kent Regiment Trust | 10 - 17 |

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact

Issued on Friday 19 July 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

details above, by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on the 25 July 2019). If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 6 MARCH 2019

Present: Councillor Round (Chairman), and
Councillors Cuming, Mrs Gooch and Mrs Wilson

32. APOLOGIES FOR ABSENCE

It was noted that apologies were received by Councillor Cox.

33. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

34. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

35. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

36. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

37. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

38. MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2019

RESOLVED: That the Minutes of the meeting held on 8 February 2019 be approved as a correct record and signed.

39. PRESENTATION OF PETITIONS

There were no petitions.

40. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

41. DISCUSSION ITEM - FEEDBACK FROM MEMBERS ON THE MUSEUM DIRECTOR'S REPORT WHICH PROVIDED AN UPDATE ON THE MUSEUM'S 20 YEAR PLAN

The Chairman agreed to take an urgent update to this item as legal advice had just been obtained which would assist Members in their consideration of the options available for the future of the Queen's Own Royal West Kent Regiment charity.

The Committee considered the report of Ms Victoria Barlow, the Museum's Director which provided information on proposals to transfer the collection to the National Army Museum.

The Committee made the following comments:-

- That a submission to the Charity Commission would need to set out clear and robust reasons why the Trust should be dissolved.
- A representative from the Regiment should be sought and asked to oversee the Trust's dissolution. A representative from the dissolved Trust should be asked to join the Maidstone Museum Foundation.
- The remaining monies from the collection could be used to a) provide for remedial work to be carried out for the collection; b) put the collection online; and/or c) provide a memorial plaque.

Following the comments from Members, Ms Barlow undertook to come back to the Committee at a later stage with costings and an update on the issues discussed.

RESOLVED: That

1. The progress of the Museum Twenty Year Plan be noted.
2. The Committee takes the decision in principle to dissolve the collection and donate it to the Maidstone Museum in view of its limited funds and the inability to raise funds as necessary to accommodate its recharges.
3. Officers draw up a clear set of reasons for the dissolution of the charity to the Charity Commission.
4. Officers 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.
5. Officers make enquiries to see if there is still a representative of the Queens Own West Kent Regiment who would be willing to be part of the new Friends Association to oversee the smooth transition of the collection to Maidstone Museum.

Voting: Unanimous

42. UPDATE ON PROPOSALS TO TRANSFER THE QORWKRMT COLLECTION TO THE NATIONAL ARMY MUSEUM

The Committee considered the report of the Museum's Director, Ms Barlow which detailed the position of the National Army Museum in relation to the future of the Queen's Own Royal West Kent Regiment Museum's collection.

It was noted that a meeting had taken place in August 2018 where Museum officers met with representatives of the National Army Museum and the Army Museums Ogilby Trust. During the meeting the organisations set out numerous ways in which they could support the local retention of the collection. However, they did indicate that they would not be willing to accept the collection.

RESOLVED: That the position of the National Army Museum in regard to the future of the QORWKRMT be noted.

43. DURATION OF MEETING

11.00 a.m. to 12 noon.

Agenda Item 8

MAIDSTONE BOROUGH COUNCIL

QUEEN'S OWN ROYAL WEST KENT REGIMENT MUSEUM TRUST COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 21 MAY 2019

Present: Councillors Cox, Cuming, Harper, Mrs Robertson and Round

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Round be elected as Chairman of the Committee for the Municipal Year 2019/20.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Cox be appointed as Vice-Chairman of the Committee for the Municipal Year 2019/20.

5. DURATION OF MEETING

7.15 p.m. to 7.17 p.m.

**The Queen’s Own Royal West
Kent Regiment Museum Trust
Committee**

29 July 2019

Accounts 2018/19

Final Decision-Maker	The Queen’s Own Royal West Kent Regiment Museum Trust Committee
Lead Head of Service	Head of Regeneration & Economic Development
Lead Officer and Report Author	Paul Holland, Senior Finance Manager (Client)
Classification	Public
Wards affected	All

Executive Summary

The report sets out the financial position of the Trust as at 31st March 2019 and provides an update on the performance of its investments.

Purpose of Report

To update the Committee on the financial position of the Trust.

This report makes the following recommendations to this Committee:

1. That the Committee approves the Accounts for the year ending 31st March 2019.
2. That the Committee notes the annual update on investment performance.

Timetable

Meeting	Date
The Queen’s Own Royal West Kent Regiment Museum Trust Committee	29 July 2019

Accounts 2018/19

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no additional implications arising from this report.	
Cross Cutting Objectives	There are no additional implications arising from this report.	
Risk Management	The approval of the annual accounts is a fundamental part of the overall financial management of the Trust.	Senior Finance Manager (Client)
Financial	The Trust needs to ensure it has sufficient resources to meet any ongoing commitments	Senior Finance Manager (Client)
Staffing	There are no additional implications arising from this report.	
Legal	Under the Council's Constitution the Committee as Corporate Trustee is responsible for all matters relating to the Charity with the exception of daily management. Law applicable to charities in England and Wales requires the trustee to prepare financial statements for each financial year which give a true and fair view of the Charity's financial activities during the year and of its financial position at the end of the year. This update report assists in meeting those requirements There are no further implications arising from this report.	Team Leader (Corporate Governance), MKLS
Privacy and Data Protection	There are no additional implications arising from this report.	Policy and Information Team
Equalities	No impact identified as a result of the recommendations made in this report.	Equalities and Corporate Policy Officer
Public Health	There are no additional implications arising from this report.	Public Health Officer

Crime and Disorder		
Procurement	There are no additional implications arising from this report.	Senior Finance Manager (Client)

2. ACCOUNTS 2018/19

- 2.1 Whilst the Trust continues to have a healthy level of assets overall the funds available for day to day operations continue to be at a low level, which reflects the reduction in donations received and the use of existing funds to pay the service charge due to the Council. The main source of income for the Trust is now the return it receives from its investment.
- 2.2 The Committee previously expressed a wish to meet its ongoing financial obligations to the Council, so £800 of the balance of £853 held in the bank account at 31st March 2019 will be used as a contribution towards the service charge due. The total amount due is £2,000.
- 2.3 This leaves the Trust with overall assets of £22,874, a reduction of £1,378 on the figure from the previous year.
- 2.4 The Committee also requested that a Service Level Agreement (SLA) with the Council be drawn up to more formally define the relationship. As the Committee has now agreed in principle to dissolve the collection and donate it to the Museum an SLA will not be needed going forward.

3. INVESTMENT PERFORMANCE

- 3.1 Members requested an annual update on the performance of the Trust's investment, following the report on investments at the meeting in July 2017.
- 3.2 The investment is managed by Northern Trust and is invested in the CGWM (Canaccord Genuity Wealth Management) Select Bond Fund. As outlined in the previous report to the Committee whilst this is not a specific charitable investment fund it does seek to cap the volatility of the value of the investment at 6% annually. In that respect it is considered to be a suitable investment as maintaining the value and security of the investment is the main aim of the fund.
- 3.3 The value of the investment at 31st March 2019 was £22,821, which was a slight reduction on the value of £23,228 at 31st March 2018.
- 3.4 Annual investment income for 2018/19 was £770, which was a small increase on the 2017/18 figure of £760.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 It is recommended that the Committee approves the Accounts.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 The Accounts will be formally submitted to the Charity Commission.

6. REPORT APPENDICES

- Appendix A: Accounts 2018/19
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7. BACKGROUND PAPERS

None.

The Queens Own Royal West Kent Regiment Museum Trust

Receipts & Payments Account

For the Period 1st April 2018 to 31st March 2019

	2018/19	2017/18
	£	£
Receipts		
From Voluntary Sources:		
Subscriptions, Donations & Legacy	60	1,498
Investment Income:		
Interest & Dividends	770	760
TOTAL RECEIPTS	<u>830</u>	<u>2,258</u>
Payments		
Costs of Charitable Activities:		
Maidstone BC Service Charge	1,800	2,000
TOTAL PAYMENTS	<u>1,800</u>	<u>2,000</u>
Surplus/(Deficit) for the year	(970)	258

Cash & Bank Balances at 1st April 2018	1,751	766
Cash & Bank Balances at 31st March 2019	853	1,751

Balance Sheet as at 31st March 2018

	2018/19	2017/18
	£	£
Capital Assets		
Canaccord Genuity Wealth Management Select Bond Fund	22,821	23,228
Current Assets		
Bank Accounts	853	1,751
Total Assets	<u>23,674</u>	<u>24,979</u>
Current Liabilities		
Creditors	800	727
Total Liabilities	<u>800</u>	<u>727</u>
Net Assets	<u>22,874</u>	<u>24,252</u>
Accumulated Reserve		
Balance Brought Forward	24,252	24,579
Revaluation Reserve Increase/(Decrease) for the year	(407)	(585)
Surplus/(Deficit) for the year	(970)	258
	<u>22,874</u>	<u>24,252</u>

Queens Own Royal West Kent Regiment Trust

29/7/19

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.

Appendix A

The Queens Own Royal West Kent Regiment Museum Trust (Charity Number 1083570)

Memorandum of Amendment

At the meeting of the Trustee's Committee on 29 July 2019, the Committee resolved to propose to the Charity Commission to amend the Scheme dated 12 March 2007 in order to enable it to spend the permanent endowment of the Trust in the following ways:

1. Conservation of 3 Sikh Colours at a cost of £5600 and £6300+VAT
2. Conservation of French Tricolour at a cost of £7500 and £8,420+VAT
3. Digital presentation of Kohima and Malaya Oral Histories on website and/or digital kiosks already in the gallery.

Signed

Name

Chairman of the Committee

Date: