

LEAD MEMBER FOR LEISURE AND ARTS

16 December 2022

Maidstone Museums Governance

Will this be a Key Decision	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Leisure and Arts
Lead Head of Service	Mark Green, Director of Finance, Resources and Business Improvement
Lead Officer and Report Author	Victoria Barlow, Museums Director
Classification	Public
Wards affected	All

Executive Summary

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. This report sets out the current position and recommends that the existing governance arrangements continue in place, but with some minor modifications.

Purpose of Report

Decision

This report makes the following recommendations to the Lead Member on the Executive for Leisure and Arts:

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 Queens Own Royal West Kent Regiment Trust and the Bently 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 are formalised by means of Memoranda of Understanding.
5. That the governance arrangements in respect of the Maidstone Museums be reviewed in three years' time.

Timetable	
<i>Meeting</i>	<i>Date</i>
ERL PAC	06/12/22
Lead Member for Leisure and Arts	16/12/22

Maidstone Museums Governance

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 as set out in section 3.</p>	Victoria Barlow, Museums Director
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievement of the Heritage is Respected objective by ensuring the future oversight of the museums by MBC.</p>	Victoria Barlow, Museums Director
Risk Management	See section 5.	Victoria Barlow, Museums Director
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for	Section 151 Officer &

	implementation.	Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Victoria Barlow, Museums Director
Legal	Maintaining the status quo in respect of the Maidstone Museum has no legal implications. A change in the relationship with any of the Trusts should be referred for further advice as there are complex governance issues to be considered. It is recommended that draft Memoranda of Understanding be shared with the Contracts team.	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	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	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The recommendations will not have a negative impact on Crime and Disorder.	Victoria Barlow, Museums Director
Procurement	No procurement is required.	Head of Service & Section 151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Biodiversity and Climate Change Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Museums consist of three museums: Maidstone Museum, Queens 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.
- 2.2 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.
- 2.3 Queens Own Royal West Kent Regimental Trust

The Council is sole trustee of the Regimental Museum Charity. The Trust's assets have transferred to the Council, but the Council retains responsibility for managing, curating and insuring the collection.
- 2.4 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.
- 2.5 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.
- 2.6 In addition, the Museum is supported by the Maidstone Museum Foundation (MMF). MMF is an independent charity supporting the museum by raising money for projects and educational activities.
- 2.7 Finally, the Museum has, since the nineteenth century, leased space on the premises to the Kent Archaeological Society.

- 2.8 In March 2018 members voted to retain the existing governance arrangements of 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 In the meantime, the following steps have been taken to streamline the arrangements relating to the trusts associated with the museums.
- 2.13 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.
- 2.14 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.
- 2.15 The Bently 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. We therefore propose to continue working with the Bentrif Wing Trust as laid out in the legally binding agreement of 2009.

- 2.16 Memoranda of Understanding have been agreed with the two related organisations, Maidstone Museums Foundation and Kent Archaeology Society, in order 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.
- 2.17 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.

3. AVAILABLE OPTIONS

- 3.1 The Executive Member endorses the earlier decision of the Heritage, Leisure and Culture Committee and continues 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 position to be reviewed after three years.
- 3.2 The Executive Member pursues the idea of transferring the Museums to an independent Trust.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is 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.

5. RISK

- 5.1 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

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

6.2 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 recommendations above.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If the proposals are accepted, no action will be required at this time.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None