



Report to: Joint Museums Committee, 17th September 2021

Report of: Museums Manager

Subject: MUSEUM CHARITABLE BODIES UPDATE

1. Recommendation

That the Joint Committee:

- 1.1 note the oversight protocols for the Tickenhill Collection Trust,**
- 1.2 note the progress in establishing a fundraising charitable body, and**
- 1.3 receive the annual report regarding the activities of the Tickenhill Collection in 2020-21.**

2 Background

- 2.3 Museums Worcestershire currently supports the working of a charitable trust, the Tickenhill Collection Trust, registered charity 527509, as part of its management of the Worcestershire County Museum. The sole trustee of this charity is Worcestershire County Council.
- 2.4 In January 2019, the Joint Museums Committee approved investigation to enable Worcestershire County Council to better meet the Charity Commission's reporting requirements for the Tickenhill Collection Trust. Departmental changes at the County and then the Covid emergency response delayed this work but it is now complete.
- 2.5 At their meeting in June 2021, the committee approved the setup of a charitable body to support fundraising for Museums Worcestershire. This approval was confirmed by the City's Policy & Resources Committee and the County's Cabinet with the City's Managing Director and the County's Director of People delegated to enter into all necessary legal agreements required for both councils in the establishment of the charitable body and to receive the donation, in consultation with the Chair and Vice Chairs of the Policy & Resources Committee and the Chair of the Joint Museums Committee.

3 Information

TICKENHILL COLLECTION TRUST

- 3.3 A working group drawn from Worcestershire County Council's legal and finance teams reviewed the position of the Tickenhill Collection Trust. Investigation considered if this charity should be merged with the establishment of the new fundraising charity.

It was advised that the Charity Commission would be unlikely to support a significant change of purpose which might put the Tickenhill Collection at risk, and that merging activities would make the responsibilities of a single charity very complicated. The actions required to compliantly retain the existing structure were therefore pursued.

- 3.4 Maintaining the Tickenhill Collection charity in its current form requires the following actions from Worcestershire County Council as the charity's sole trustee:
- The County Council members on the Joint Museums Committee are aware of their oversight and decision-making responsibility for the Tickenhill Collection
 - The Joint Museums Committee receive an annual report on the charitable activities of the Tickenhill Collection
 - The Tickenhill Collection is separately included in the County Council's heritage assets statement in their annual accounts and in the County Museum's Collections Development Policy
 - Worcestershire County Council finance staff complete the annual financial return to the Charity Commission, as they do for the education charities where the County Council is the sole trustee
- 3.5 These actions will be undertaken from 2021-22 onwards. The most recent annual report for the Tickenhill Collection is appended to this report, and will form part of the future annual work programme for the Joint Museums Committee. A briefing on the Tickenhill Collection Trust will be given to all new committee members. Any approvals required for the Tickenhill Collection will be brought to the Joint Museums Committee via the committee work programme and will be a decision for the County Council members of the Committee.

ESTABLISHMENT OF A FUNDRAISING CHARITABLE BODY

- 3.6 Worcester City Council appointed a solicitor with expertise in working with new charities to support the setup of a fundraising charity for museums, and the drafting of documentation for the proposed donation recently offered. A working party including representation from the City and the County legal teams has reviewed the charity's setup documentation to ensure it aligns with each council's governance of their museums.
- 3.7 Following the skills matrix and requirements set out by the Charity Commission, three independent setup trustees were brought together to oversee the documentation required to submit an application to the Charity Commission for the new charity.
- 3.8 These setup trustees are being advised by the solicitor in their decision making on the standard documentation required to ensure that the charity can work successfully long-term.
- 3.9 Following appropriate advice, the setup trustees have agreed a charity name of *Worcestershire Heritage, Art and Museums* and a charity object of:

The objects of the CIO are the promotion of the appreciation and enjoyment of art, culture, heritage and science for the public benefit by encouraging the public to participate and engage with museums and related services operated by Museums Worcestershire.

The charitable object has been carefully worded by the advising solicitor so that it is clear that the charity is there to support the City and County museums, but that it is not being established to operate those museums, with governance responsibility remaining with the Joint Museums Committee.

- 3.10 The solicitor has advised that, because the charity is not itself running a museum or a contract for either council, that it should not have specific council-appointed trustees. Instead trustees should be recruited for the skills they can bring to the charity. Trustees could include serving councillors acting as trustees independently from their councillor role.
- 3.11 The City's Managing Director, the Chair and Vice Chairs of the City's Policy & Review Committee and the County's Director of People, and the Chair of the Joint Museums Committee, will continue to be updated as the next stage of work progresses, with all legal agreements requiring either council's involvement documented through the delegated approval process.

Ward(s): All wards
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Supporting Papers: Appendix: Tickenhill Collection Annual Report 2020-21