



Committee and Date

**Cabinet
September 18th 2013**

Item

Public

Delegation of Powers to Provide and Maintain a Museum

Responsible Officer Andrew Evans, Head of Economic Growth and Prosperity
e-mail: Andrew.m.evans@shropshire.gov.uk Tel: 01743 253874

1.0 Summary

- 1.1 The report sets out a request received from Whitchurch Town Council that this Council delegates to the Town Council the exercise of the powers set out in Section 12 of the Public Libraries and Museums Act 1964 to provide and maintain museums and art galleries within its administrative area.

2.0 Recommendations

It is recommended:

- A. That the Council delegates to Whitchurch Town Council for as long as it remains a Town Council and subject to Arts Council England Museum Accreditation Status being maintained those powers under Section 12 of the Public Libraries and Museums Act 1964 to provide and maintain museums and art galleries within the Town Council's administrative area under a legal agreement which sets out the standards of museum service to be provided.
- B. That in order to guarantee standards of provision and service under the powers delegated to the Town Council the Director of Commissioning be given delegated authority in consultation with the Head of Legal and Democratic Services and the relevant portfolio holder to finalise negotiations, approve and enter into a legal agreement with the Town Council.
- C. That the Portfolio Holder be given delegated authority to approve any similar request received from other town or parish councils within in the administrative area of Shropshire Council and that the Director of Commissioning be authorised to negotiate, approve and enter any agreements required in accordance with such approvals subject to the consultation procedure set out in B above.

REPORT

3.0 Risk Assessment and Opportunities Appraisal

- 3.1 Many town councils across England provide museum services but have either never been challenged regarding their power to do so or fulfil the requirement of the Localism Act 2011 and Local Authorities: General Power of Competence 2012.
- 3.2 Following consultation with a number of nationally recognised experts in legal issues relating to museums the proposed delegation of powers has been identified as the best course of action to resolve what appears to be an oversight in the law pertaining to this issue.
- 3.3 This report is consistent with the Human Rights Act 1998. There are no environmental, equalities, or community consequences to this recommendation.

4.0 Financial Implications

- 4.1 By entering into this agreement Shropshire Council is committing its Legal Team to undertake the drafting and completion of the proposed agreement

5.0 Background

- 5.1 Section 206 of the Local Government Act 1972 (as amended by the Local Government Act 1985, s. 102(2), Schedule 17) which defines local authorities for the purposes of the Public Libraries and Museums Act 1964 in England does not include town and parish councils. Under the Localism Act 2011 and Local Authorities: General Power of Competence 2012 a town or parish council may incur expenditure for museum provision. However Whitchurch Town Council does not currently fulfill the requirements laid out in the General Power of Competence. This situation could, theoretically, occur again in the future or within other Town Council's in the County.
- 5.2 It is proposed that as the legality of the Museum's existing governance arrangements cannot be resolved that Shropshire Council provides Whitchurch Town Council with delegated powers to provide and maintain the Museum.

6.0 Additional Information

- 6.1 Whitchurch's first museum was founded in the nineteenth century but closed in 1967. In 1974 Whitchurch Town Council transferred title over the surviving museum collection to Shropshire County Council's Museum Service.
- 6.2 In 1998 Whitchurch Town Council opened the town's Visitor Information and Heritage Centre with professional support and advice from Shropshire County Council's Museum Service. In 2008 Whitchurch Heritage Centre started to work towards achieving Museum Accreditation, the national standard for museums administered at

the time by the Museums, Libraries and Archives Council. In autumn 2010 the Centre was awarded full status as an Accredited Museum.

- 6.3 The Accreditation Scheme, (currently administered by Arts Council England (ACE), sets nationally agreed standards for museums in the UK. There are currently just under 1,800 museums participating in the scheme, demonstrating their commitment to managing collections effectively for the enjoyment and benefit of users.
- 6.4 Much of the work to achieve accreditation at Whitchurch Museum was undertaken by the museum volunteers who continue to undertake the day to day tasks of museum provision supported by Shropshire Council's professional museum staff.

7.0 Summary of Proposed Legal Agreement

The Agreement which the Town Council will be required to enter will:-

- 7.1 Outline the different roles, duties and responsibilities of Whitchurch Town Council and Shropshire Council in relation to the delegation of powers to provide and maintain museum/s and/or art galleries
- 7.2 Require that any museum maintained by the Town Council maintains ACE Accredited Status or any subsequent national accreditation scheme for museums and compliance with minimum standards of any such scheme. Should the museum fail to maintain these minimum standards this agreement would be subject to review and renegotiation alongside Arts Council England's reassessment process.
- 7.3 Ensure that the Town Council consults and communicates with the Museum Mentor appointed under the ACE Accreditation Scheme and hears reports from the Mentor on the Museum's progress in maintaining accreditation status
- 7.4 Establish who will have authority to enter, vary or terminate the agreement on behalf of the parties
- 7.5 Will include provisions for monitoring and compliance with relevant statutory requirements, indemnities and insurance, dispute resolution, variation and termination.

8.0 Conclusion

- 8.1 It is proposed that as the legality of the Museum's existing governance arrangements at Whitchurch cannot be resolved that Shropshire Council delegates to Whitchurch Town Council for as long as it remains Town Council those powers under Section 12 of the Public Libraries and Museums Act 1964 to provide and maintain museums and art galleries within the Town Council's administrative area under a legal agreement which sets out the standards of museum service to be provided.
- 8.2 In order to guarantee standards of provision and service under the powers delegated to the Town Council that this delegation will be subject to the museum maintaining its Accredited Status with Arts Council England.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Draft Agreement re standards and provision of service

ACE Accreditation Scheme for Museums and Galleries in the United Kingdom

Cabinet Member (Portfolio Holder) Steve Charmley and Tina Woodward

Local Member Gerald Dakin, Thomas Biggins, Peggy Mullock

Appendices

Appendix A: Draft Agreement re standards and provision of service

Appendix B: ACE Accreditation Scheme for Museums and Galleries in the United Kingdom