

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Guildhall and 79 Whiting Street, Bury St Edmunds	
Report No:	CAB/SE/17/060	
Report to and date:	Cabinet	14 November 2017
Portfolio holder:	Cllr Joanna Rayner Portfolio Holder for Leisure and Culture Tel: 07872 456836 Email: Joanna.rayner@stedsbc.gov.uk	
Lead officer:	Alex Wilson Director Tel: 01284 757695 Email: alex.wilson@westsuffolk.gov.uk	
Purpose of report:	To update Cabinet on the project and agree actions to conclude the objectives of the original Memorandum of Understanding.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that:</p> <p>(1) subject to the support of the Guildhall Feoffment Trust, and to fulfil the objectives of the 2013 Memorandum of Understanding (as reviewed in 2016), the Council applies to the Charity Commission seeking an amendment to Clause 4 of the scheme of 1894 in respect of the managing trustee role for the Guildhall and 79 Whiting Street, Bury St Edmunds. The said amendment if granted would allow, after the Guildhall reopens as an exhibition and heritage centre in 2018, a complete transfer of management responsibility for the two buildings and associated land to the Bury St Edmunds Heritage Trust Limited which has consented to and supports the application; and</p> <p style="text-align: right;"><i>Continued over....</i></p>	

	(2) a separate partnership agreement be prepared and signed with the Bury St Edmunds Heritage Trust, and any other applicable partners, in relation to the future management of the paintings in the Guildhall, Bury St Edmunds after the new exhibition and heritage centre opens.		
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:	<ul style="list-style-type: none"> Bury St Edmunds Heritage Trust, Guildhall Feoffment, Portfolio Holder. 		
Alternative option(s):	<ul style="list-style-type: none"> It has already been agreed to transfer the management of the properties to a third party as part of the project, and the options for doing that have been assessed by the Heritage Trust in consultation with its funders and partners, including the Council and Guildhall Feoffment. Consultation on the project itself is managed by the Trust. 		
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See paragraph 1.7 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> Transfer of current role in accordance with Charity Law 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Community management transfer not achieved as agreed at outset of project	Low	Seek Cabinet approval to apply to the Commission for a transfer in good time.	Low

Role is transferred to an inappropriate third party	Low	Project partners assess options and seek advice, and ensure necessary governance is in place in receiving body.	Low
Charity Commission do not agree to transfer	Low	Seek legal advice and work in conjunction with partners to make a compliant application.	Low
Ward(s) affected:		Principally Abbeygate (but indirectly all wards)	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Cabinet reports: <ul style="list-style-type: none"> • D333 – 27 March 2013 • CAB/SE/16/028 -14 June 2016 	
Documents attached:		None	

1. Key issues and reasons for recommendations

- 1.1 In 2013, the Council formed a partnership, through a Memorandum of Understanding (MOU), with the Bury St Edmunds Heritage Trust Limited (BSEHT) and Guildhall Feoffment Trust to deliver a project to restore the Guildhall and establish it as an exhibition and heritage centre.
- 1.2 The project has been led by the BSEHT which has been extremely successful in fund-raising and is now managing the restoration process. It is envisaged the Guildhall will reopen in 2018. The Borough Council is fully engaged in the governance of the project as a signatory to the MOU, including through its heritage service. The Council is also hosting a short exhibition about the Guildhall at the Apex from early December 2017 to raise awareness of the project, and to display some of the paintings which are being kept offsite and/or restored during the refurbishment.
- 1.3 The 2013 MOU (reviewed in 2016) provided that, on completion of the project, the managing trustee role for the Guildhall, and the associated property 79 Whiting Street, transfers from the Borough Council to a new management vehicle. The properties are already owned by the Guildhall Feoffment Trust but, under the terms of an 1894 charity scheme, the Borough Council is the managing trustee. One of the aims of the project has always been to transfer management of the properties to the community and, as it is clear now when the project will be completed, it is appropriate to put in place the necessary steps to effect that transfer of role.
- 1.4 Having taken advice, including from the project funders, the BSEHT has concluded that it is best placed to take on the managing trustee role itself, since it is already constituted to do so, which means a new charity or equivalent does not need to be formed. This means that, under the terms of the 2013 MOU, the BSEHT will perform the envisaged role of "Guildhall Management Company". The BSEHT will review its governance arrangements ahead of the Guildhall reopening to reflect the new responsibilities, and will also be employing a manager and other staff to run the new facility day-to-day. Its business plan for the new centre was rigorously tested through funding applications.
- 1.5 As the two parties to the 1894 Scheme, the Council has met with the Guildhall Feoffment to discuss the transfer, and the Feoffment is also supportive of the BSEHT's proposal. The Feoffees will therefore be asked to support any application by the Borough Council to the Charity Commission for the transfer.
- 1.6 It is important to note that nothing in the proposed amendment of the 1894 Scheme in respect of the management of the Guildhall and 79 Whiting Street properties would affect any current rights and responsibilities relating to any other property in Bury St Edmunds, including Moyse's Hall, or to the paintings currently held in the Guildhall and Moyse's Hall, Bury St Edmunds. However, in relation to the paintings in the Guildhall, it is proposed that a separate partnership agreement be prepared in 2018 between the Council and BSEHT to clarify ongoing roles and responsibilities. This will ensure that the support of the Council's heritage team is available to the BSEHT and also avoid any complications in terms of the existing national museum accreditations for the St Edmundsbury Heritage Collection or any future application from the BSEHT for its own accreditation.