

Public Document Pack

MOUNT EDGCUMBE JOINT COMMITTEE



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17 June 2010

MOUNT EDGCUMBE JOINT COMMITTEE

DATE: FRIDAY 25 JUNE 2010
TIME: 10.45 AM
PLACE: MOUNT EDGCUMBE HOUSE, CREMYLL

Committee Members—

Plymouth City Councillors-

Councillors Delbridge, King, Martin Leaves, McDonald, Reynolds, Smith and Vincent.

Cornwall County Councillors-

Councillors Austin, Flashman, German, Holley, Pearn MBE, Preston and Trubody.

Co-opted Members-

Sir Richard Carew Pole Bt, Commander G Crocker, Mr D L Richards, Mr T Savery and Mrs B Spring.

Members of the Committee are invited to attend the above meeting to consider the items of business overleaf.

BARRY KEEL
KEVIN LAVERY
Joint Clerks

MOUNT EDGCUMBE JOINT COMMITTEE

PART I (PUBLIC COMMITTEE)

AGENDA

1. APPOINTMENT OF THE JOINT CHAIRS

The Joint Committee will confirm the appointment of the Joint Chairs.

2. APOLOGIES

To receive apologies for non-attendance submitted by Joint Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

4. MINUTES

(Pages 1 - 4)

To confirm the minutes of the meeting held on 5 February 2010 as a correct record.

5. CHAIR'S URGENT BUSINESS

To receive reports on business, which in the opinion of the Chair, should be brought forward for urgent consideration.

**6. REVENUE AND CAPITAL OUTTURN 2009-10
INCORPORATING THE STATEMENT OF ACCOUNTS (TO
FOLLOW)**

The Joint Committee will receive a report on the Revenue and Capital Outturn 2009-10 incorporating the Statement of Accounts.

**7. REVENUE AND CAPITAL MONITORING 2010/11 (TO
FOLLOW)**

The Joint Committee will receive a report on the Revenue and Capital Monitoring 2010/11.

8. CONSTITUTION

(Pages 5 - 16)

The Joint Committee will receive a report on the Constitution.

9. AMENDED ACQUISITION AND DISPOSALS POLICY (Pages 17 - 28)

The Joint Committee will receive a report on the Amended Acquisition and Disposals Policy.

10. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

11. CREMYLL FERRY TENDER (E3) (TO FOLLOW)

The Joint Committee will receive a report on the Cremyll Ferry Tender.

12. UPDATE ON MEETINGS OF THE MOUNT EDGCUMBE OFFICERS' WORKING GROUP (E3)

The Joint Committee will receive a verbal update on the Mount Edgcumbe Officers' Working Group.

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Mount Edgcumbe Joint Committee

Friday 5 February 2010

PRESENT:

Councillor Reynolds, Co-Chair in the Chair.

Councillors Austin, Ball, Flashman, Fox, Holley, Martin Leaves, Pearn MBE, Preston, Smith, Trubody (Co-Chair) and Wheeler

Co-opted Representatives: Cdr Crocker and Mr D L Richards.

Councillors Mrs Dolan and German, Co-opted representatives Sir Richard Carew Pole Bt, Mr T Savery and Mrs Spring.

The meeting started at 10.45 am and finished at 12.35 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

25. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the code of conduct.

26. MINUTES

Resolved that the minutes of the meeting held on 4 December 2009 were confirmed as a correct record, subject to the following amendments –

- (i) Councillors Austin and Pearn MBE are included as attending and Councillor Preston is included as an apology;
- (ii) (minute 14 refers) should read Cdr Crocker not D L Richards;
- (iii) (minute 23 refers) should include, Members considered that it should be clarified that the Joint Committee was not responsible for the problems regarding the tender for the Cremyll Ferry; the Chair indicated that he had approached the Chief Executive for an apology.

27. CHAIR'S URGENT BUSINESS

With the permission of the Chair, the Senior Commercial Investment Surveyor advised that a property matter had arisen since the last meeting of the Joint Committee on 4 December 2009. Due to the confidential nature of this matter it would need to be considered under exempt business.

Resolved that this matter is considered under exempt business.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for a Member decision).

28. REVENUE/CAPITAL MONITORING 2009/10 AND DRAFT BUDGET 2010/11

The Director for Community Services and the Director for Corporate Support submitted a report on the revenue/capital monitoring 2009/10 and draft budget 2010/11, which outlined the following main issues –

- (i) 2009/10 revenue monitoring;
- (ii) medium term financial forecast 2010/11;

- (iii) 2009/10 capital monitoring;
- (iv) reserves.

The following responses were provided to questions raised by the Joint Committee –

- (a) the level of retail sales/catering income had been worked-up with the support of the commercial manager; work had been carried out to look at what the enterprise could achieve across a wider site which included the Orangery;
- (b) the cost of the sales is based on the industry standard of a third of the income;
- (c) there had been three funding streams for the renovation works which were the Regional Development Agency, Objective One and match funding from the Joint Committee; if the additional monies could not be secured then both the constituent authorities would be liable to pay back £1.4m.

Resolved that the Joint Committee –

- (1) notes the report;
- (2) notes that each constituent authority has been approached to consider additional financial support of up to £100,000 (per authority) to address the 2009/10 revenue shortfall, having made all efficiencies to mitigate the deficit and using the Joint Committee's reserves;
- (3) notes that current budget projections contained within this report are supported by the separately presented commercial business planning case and are based on constituent authority support remaining at current levels of £384,000 (£192,000 per authority);
- (4) manages the risks contained within the budget in particular catering and retail operations to achieve the higher trading surplus;
- (5) plans for a minimum level of reserves which provides contingency for a sustainable long term future.

29. **AMENDED ACQUISITION AND DISPOSALS POLICY**

The Director for Community Services submitted a report together with the policy on the amended acquisition and disposal policy.

The report outlined –

- (i) the policy –
 - (a) guided the decision making process when considering adding items to the collection regardless of the means of acquisition;
 - (b) guided decisions and process when considering disposing of an object and ensured that ethical and legal guidelines are followed;
 - (c) clarified the Joint Committee's responsibility within the decision making process;

- (ii) the existing acquisition and disposal policy being used was Plymouth City Museums 1998 policy (amended in 2001); it was proposed that Mount Edgcumbe had its own policy to reflect the specific needs of the Mount Edgcumbe collection and current objectives and was in line with the requirements of accreditation.

Following a question raised by the Joint Committee, it was advised that the Mount Edgcumbe collection was insured under the Plymouth Museums policy. A robust 24 hours alarmed security system had been installed and staff were on all year round.

Resolved that the amended acquisition and disposal policy is approved.

30. **PROGRESS REPORT 2009/10**

The Director for Community Services submitted a report on the park's progress in 2009/10, which outlined the following main issues –

- events
- Christmas Fayre
- school visits
- weddings, civil partnerships and naming ceremonies
- talks to community groups

The following responses were provided to questions raised by the Joint Committee –

- (i) there had been no direct costs incurred by the park in relation to the cancellation of the classic car rally due to the inclement weather in the summer;
- (ii) funding would be provided by Friends of Mount Edgcumbe to provide an 'interpretation' of the camellia collection;
- (iii) consideration would be given to setting up a rolling programme to clear the overgrown areas of the coastal path where it was safe to do so;
- (iv) work was currently being undertaken to ascertain if it would be feasible to set up a webpage to market and sale camellias.

Resolved that the report is noted.

31. **OPERATIONAL ACTION PLAN 2010/2011 AND RISK MANAGEMENT**

The Director for Community Services submitted the Operational Action Plan 2010/11 and the Risk Register for the Country Park, which outlined –

- (i) the work and events planned for the financial year 2010/11 and the risk management measures taken to ensure its delivery;
- (ii) the action plan had been broken down into the core areas of works as follows –
 - formal areas
 - camellia collection
 - amphitheatre
 - woodlands
 - beaches and foreshore
 - footpath/signage/roads
 - costal areas
 - the built environment
 - special events

- Mount Edgcumbe House and Collection
- health and safety
- heritage project

The Joint Committee was advised that the high risks relating to health and safety, and public and degradation of historic, chattels and documents were comparable to other institutions.

Resolved that the operational action plan for 2010/11 is approved and note the risk management strategy that supports it.

32. **GOVERNANCE ARRANGEMENTS**

The Assistant Director for Culture, Sport and Leisure advised that this item had been deferred to allow sufficient time to determine the Governance arrangements together with the revised constitution and terms of reference.

33. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

34. **EXEMPT BUSINESS**

Resolved that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following items of business on the grounds they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

35. **COMMERCIAL BUSINESS PLANNING**

The Director for Community Services submitted a report on commercial business planning. The Joint Committee also received a presentation.

Resolved that –

- (1) the report is noted;
- (2) the Co-Chairs are given the authority to work with officers on the business planning process;
- (3) officers present a detailed business plan to the autumn meeting of the Joint Committee.

36. **PROPERTY MATTERS**

The Director for Development and Regeneration submitted a report outlining a property matter within the park which had arisen since the last report to the Joint Committee on 4 December 2009.

Resolved that a five year lease extension for Chalet 62 is approved.

**CITY OF PLYMOUTH
MOUNT EDGCUMBE JOINT COMMITTEE**

Joint Chair:	Councillor Reynolds, Plymouth City Council Councillor Trubody, Cornwall Council
CMT Member:	Director for Corporate Support. Plymouth City Council
Senior CC Officer	Head of Environment, Environment, Planning and Economy Directorate, Cornwall Council
Committee:	Mount Edgcumbe Joint Committee
Date:	25 June 2010
Author:	Linda Torney, Assistant Head of Legal Services, Plymouth City Council
Contact:	Tel: 01752 306119 e-mail: linda.torney@plymouth.gov.uk
Ref:	LT/
Part:	I

Executive Summary:

1. This report sets out proposals in relation to the governance of Mount Edgcumbe Joint Committee and the management of the undertaking. These proposals have been formulated as a result of concerns raised by members and officers, who have been asking that the current officer support from the two parent authorities be clarified and that the constitution be improved.
2. It recommends that the Joint Committee recommends that the Cabinets of each of the constituent councils approve and adopt the changes to the terms of reference for the Joint Committee, as set out in the appendix to this report, and that each Council makes any necessary consequential amendments to that Council's constitution.
3. It also recommends that a business planning framework be adopted that aligns the governance arrangements for the undertaking more closely with the cabinet style of governance in place in each Council.

Additionally, proposals are put forward asking that the committee formally adopt a business planning approach so that the management of the undertaking aligns more closely with the parent authorities and gains the support of the respective cabinet members.

Corporate Plan 2010-2013

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Background papers:

Head of Fin SA		Head of Leg LT		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Cornwall Council: M E											

1 Introduction

- 1.1 The present arrangements for governance of Mount Edgcumbe date back to 1973 when Joint Committee was established by Cornwall County Council and Plymouth City Council. Since that time there have been significant developments in the way both Councils are managed, Cornwall Council has been established as a successor authority to Cornwall County Council and both Councils have adopted a cabinet style of governance.
- 1.2 This makes a review of the constitutional arrangements for the Committee overdue, and at the same time the Joint Committee has established an officer working group to consider the future operation of and monitor the management of Mount Edgcumbe.
- 1.3 This report recommends the Joint Committee asks the Cabinet of each of its constituent councils to adopt new terms of reference set out at appendix 1 and amend their respective constitutions to reflect this.

2 Background

- 2.1 The Mount Edgcumbe Joint Committee is a Committee of Plymouth City Council and Cornwall Council and comprises 7 members from each authority. As a result of regulations, it carries out executive functions on behalf of the two councils, which means it is a Joint Committee of the Cabinet of each Council. It has not been regularly reporting to the Cabinet and the proposed arrangements will set out how it is anticipated this will happen in future.
- 2.2 At present the Committee currently has terms of reference, which are described as a Constitution, which may have led to some confusion. The

Committee operates much as any other Committee in terms of voting, quorum, minute taking, and the requirements for members to disclose any personal interest they have in the business of the Committee.

Purpose

- 2.3 The Councils formed the Joint Committee “for the purposes of the management of the Country Park” within the budgets approved by the Councils on an annual basis and in line with agreed terms of reference about the general ethos of management of the Country Park and House (see Appendix 2). The emphasis for management is on the protection of the Parks and Environmental and Heritage Value, protection of public access, promotion of sustainable employment opportunities and ensuring the house remain a single entity. This is of course subject to variation by the parent authorities and future management options for the House and Country Park are the subject of the current debate by the Officer’s Working Group which has been set up by the Joint Committee.
- 2.4 The Joint Committee is required to comply with Plymouth City Council’s Contract Procedure Rules (Contract Standing Orders) when letting contracts and all tenders will need to be published in the name of both councils. In addition Cornwall requires all contracts for more than £50,000 to go through their procurement assurance scheme and this will apply to contracts relating to Mount Edgumbe.

Contracts

- 2.5 Mount Edgumbe needs to be able to make contracts; however as the Joint Committee is not a separate legal organisation, either the contracts must be entered into by the cabinets of each of the joint councils, or they need to give delegated authority to permit officers of each of the councils to contract on their behalf. It is recommended that the power to approve contracts that are within the annual budget provision for that particular area of expenditure is delegated to the Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall . It is recommended that any other contracts are approved by Cabinet.

3 Recommendations about who does what in the future

- 3.1 This report recommends an annual business planning process is adopted which sets the framework for the development of Mount Edgumbe and allows members to monitor progress. Within such a process the Joint Committee would have a key role in proposing the business plan to Cabinet and monitoring performance against the business plan. The Joint Committee would also be responsible for ensuring appropriate systems are in place, for proper financial and legal management practices, proper audit and risk management procedures and proper strategic management of the business to achieve value for money. The Committee would also

carry out an appropriate inspection of the house and country park on an annual basis and undertake appropriate consultation with key stakeholders. It is recommended that the remaining day to day responsibilities for the management of Mount Edgcumbe are delegated to the Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall.

- 3.2 To avoid confusion and make sure that the Cabinet of each authority are involved as appropriate it is recommended that the Mount Edgcumbe terms of reference are amended to show who in each Council is responsible for what functions as shown below:

Each Council will:

- decide the annual budget for the Country Park and House;
- decide whether to agree extra spending outside the budget.

Each Cabinet will:

- agree the business plan;
- recommend the annual budget to council as part of the budget process;
- take decisions that would result in each of the councils spending or saving more than £250,000 i.e. total 500,000;
- decide whether to recommend ways of meeting any extra spending outside the budget to Council;
- appoint a cabinet member with responsibility amongst other things for Mount Edgcumbe;
- lease property or grant easements in the country park where this is for less than best consideration or for more than 10 years.

The Cabinet Members will:

- Decide whether to recommend that cabinet approves variations to the business plan that require extra spending;
- Agree variations to the business plan that do not require extra spending.
- *In Plymouth spending between £100,000 and £500,000 must be agreed by Cabinet members; in Cornwall this level of spending can be agreed by the Director assuming it is within the business plan – appropriate limits for spending by Directors and cabinet members will need to be considered by the committee.*

The Joint Committee will;

- Propose a business plan to cabinet;
- Monitor performance of the undertaking against the business plan and recommend variations to the business plan to the Cabinet Members;
- Monitor performance of the undertaking to ensure value for money is achieved;
- Ensure the management of the country park and estate accords with proper financial and legal practice appropriate to local authorities;
- Ensure proper audit and risk management procedures are in place;
- Carry out an appropriate inspection of the house and country park on an annual basis;
- Undertake appropriate consultation with key stakeholders.

The Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall will have delegated authority to make sure everything else is done.

4 Recommendation

It is recommended that the Joint Committee asks the Cabinets of each of its constituent councils to adopt new terms of reference as set out at appendix 1 and amend their respective constitutions to reflect this.

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**TERMS OF REFERENCE
CORNWALL COUNCIL AND PLYMOUTH CITY COUNCIL
MOUNT EDGCUMBE HOUSE AND COUNTRY PARK
THE MOUNT EDGCUMBE JOINT COMMITTEE**

A Background

Cornwall Council and Plymouth City Council (the "Constituent Councils") being joint owners of the Mount Edgcumbe House and Country Park (the "House and Country Park") have agreed that the following arrangements will apply in relation to the House and Country Park. They have also agreed to form a Joint Committee (within the meaning of Section 102 Local Government Act 1972) to make sure that the House and Country Park are managed appropriately.

B Responsibilities

The Joint Council's are responsible for exercising the powers under sections 6, 7, 8 and 9 of the Countryside Act 1968 and section 19 of the Local Government Miscellaneous Provisions Act 1976 in relation to the House and Country Park.

Who carries out the responsibilities

B1 Each Council will:

- decide the annual budget for the Country Park and House as part of the budget setting process;
- decide whether to allow any extra spending outside the budget.

B2 Each Cabinet will:

- agree the business plan;
- recommend the annual budget to council as part of the budget process;
- take decisions that would result in each of the councils spending or saving more than £250,000;(in total £500,000);
- decide whether to recommend ways of meeting any additional spending requirements outside the agreed budget to Council;
- appoint a cabinet member with responsibility amongst other things for Mount Edgcumbe;
- agree the lease of a property or grant easements in the country park where this is for less than best consideration or ,more than ten years.

B3 The Cabinet members who have been appointed will:

- Decide whether to recommend that cabinet approves variations to the business plan that require extra spending and propose the means of meeting any additional costs to Council;
- Agree variations to the business plan that do not require extra spending.

- Take decisions that would result in each of the councils spending or saving more than [£100,000] – note the limits for this need to be decided

B4 The Joint Committee will:

- Propose an annual business plan to cabinet;
- Monitor performance of the undertaking against the business plan and recommend variations to the business plan to the Cabinet Members;
- Monitor performance of the undertaking to ensure value for money is achieved;
- Ensure the management of the country park and estate accords with proper financial and legal practice appropriate to local authorities;
- Ensure proper audit and risk management procedures are in place;
- Carry out an appropriate inspection of the house and country park on an annual basis;
- Undertake appropriate consultation with key stakeholders.

B5 The Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall Assistant have delegated authority to make sure everything else is done.

C Committee Procedures

C1 Membership

1.1 The Joint Committee shall consist of fourteen members. Each Constituent Council shall appoint seven of their respective Members to act as Members of the Joint Committee and shall also have the power to appoint substitutes with full powers of their principals, (including the power to vote) to sit in place of the Members when any of those Members are unable to attend a meeting of the Joint Committee.

Support

1.2 The Chief Executives of the constituent councils have agreed that democratic support for the Joint Committee shall be provided by Plymouth City Council.

Appointment of Chair

1.3 In the first meeting of the year the Members of the Joint Committee shall appoint two Joint Chairs, one from each Council, and the first meeting will be chaired by the Joint Chair from Plymouth City Council following which at every subsequent meeting the Joint Chairs will alternate.

1.4 If either Joint Chair is not present at a meeting he or she should be chairing, his or her place will be taken by the other Joint Chair. If neither Joint Chair is present the members of the Joint Committee

who are present shall appoint one of their number to chair the meeting.

- 1.5 The Joint Committee shall have the power to appoint co-opted Members to the Joint Committee provided that such persons shall be treated as non-voting members of the Joint Committee in accordance with Section 13 of the Local Government and Housing Act 1989.

C2 Meetings of the Joint Committee

- 2.1 The Joint Committee shall not meet less than twice in each year commencing May of one year and ending in April of the next.
- 2.2 Members, including co-opted Members of the Joint Committee, shall be given not less than five clear working days notice of a meeting of the Joint Committee and the venue for that meeting. It shall be the responsibility of Members wishing to appoint substitutes for a meeting to notify those substitutes of the date and venue of the meeting and for these purposes it shall not be an invalid notice if the substitute is given less than five clear working days notice.
- 2.3 The venue for meetings of the Joint Committee shall normally be Mount Edgcombe Country Park but the Chair may at his/her discretion fix alternative venues provided that in exercising this discretion the Chair shall have regard to the need to ensure that the venue is convenient to all Members.

Quorum

- 2.4 The quorum for any meeting of the Joint Committee shall be two Members from each Council or their substitutes.
- 2.5 The minutes of the business transacted at each meeting of the Joint Committee and the names of the Members present shall be entered in a book and signed by the Chair of the Committee and each page of the minutes shall be initialled by the Chair at the next meeting.
- 2.6 Any motion moved by the Chair or any Member or substitute of a Member of the Joint Committee shall require to be seconded by another Member of the Joint Committee before such a motion is put to the vote.
- 2.6 Any procedural requirements not specified in these standing orders shall be undertaken in accordance with Plymouth City Council's procedural rules.

C3 Voting at the Meeting

- 3.1 Voting shall be upon a show of hands unless a majority of the Members of the Joint Committee who are present and entitled to vote request that a recorded vote be taken.
- 3.2 In the case of an equality of votes the Chair of the Committee shall have a second or casting vote.

C4 Disorderly Conduct by Members

If a Member keeps on disrupting the meeting by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Joint Committee, the Chair may order the Member to leave the meeting room for the remainder of the Joint Committee's business for that day.

C5 Disclosure of Interests

5.1 The Code of Conduct for Councillors (as amended from time to time by legislation) shall apply to all meetings of the Joint Committee.

5.2 All members of the Joint Committee shall declare any interest they have in any business of the Joint Committee at the start of the item of business or when they realise they have an interest if that is later. They must say they have an interest and what the interest is unless they do not know they have the interest and could not be expected to know about it; or they cannot describe the interest without revealing sensitive information in which case they need to say they have an interest but they do not need to describe it.

5.3 Once a member has declared a personal interest they can stay in the meeting and speak and vote unless the personal interest is also a prejudicial interest in which case they must leave the meeting while the item is dealt with.

5.4 Disclosures, withdrawals and dispensations shall be recorded in the minutes of the meeting.

C6 Referral of Business to Constituent Councils

6.1 Where the Chief Executive of either Council considers any matters arising should be referred to the Cabinet of his/her Constituent Council no action shall be taken on that matter unless and until the same shall have been approved by the Cabinet of each Constituent Council.

C7 Disputes

7.1 Where the Constituent Councils do not agree on a matter, once every effort has been made to reconcile any differences between the authorities, the matter may be referred for mediation to a mediator to be agreed by the Constituent Councils, with each party bearing the cost of doing so.

C8 Revenue and Capital Expenditure

8.1 Revenue and Capital Budgets for each financial year shall be such as shall be agreed by each Constituent Council through the usual budget setting process. The Joint Committee will propose a business plan and budget to both Cabinets. If both Cabinets approve the business plan they will in turn recommend the budget to Council. Any variations to the business plan within the year that would result in extra spending need to be reported to each of the

relevant Cabinet Members, who will decide whether to recommend that Cabinet approve the changes and recommend that each of the Constituent Councils approve the additional spending. The Business Plan shall be available by 31 October in order to feed into the budget setting process.

- 8.2 Revenue and Capital Expenditure incurred by the Joint Committee shall be defrayed and income shared by the Constituent Councils in equal portions.

C9. Delegation to Working Groups and officers

The Joint Committee shall have the power to form working parties or other such groups as it may decide and may delegate to such working parties etc. such of its powers as it chooses. The Joint Committee may also delegate such of its powers as it chooses to an officer of either of the Constituent Councils.

Note it is recommended that further joint working arrangements in relation to the management of the country house and park, including:

- arrangements for dealing with contracts,
- liaison arrangements, and
- a protocol that states how any statutory and regulatory responsibilities arising from the work of the Joint Committee are addressed e.g. Health and Safety, carbon reduction

be agreed following the work of the Officer Working Group

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**CITY OF PLYMOUTH
MOUNT EDGCUMBE JOINT COMMITTEE**

Joint Chair: Councillor Reynolds Plymouth City Council/
Councillor Trubody, Cornwall Council

CMT Member: Carole Burgoyne, Director of Community Services
Plymouth City Council

Senior CC Officer: Mike East, Head of Environment & Heritage
Service, Cornwall Council

Subject: Amended Acquisition and Disposals Policy

Committee: Mount Edgcumbe Joint Committee

Date: 25 June 2010

Author: Kate Johnson, Museum Development Officer

Contact: Tel: (01752) 822236
Email kate.johnson@plymouth.gov.uk

Ref:

Part: I

Executive Summary:

This report

- proposes an amendment to the Acquisitions and Disposals policy which was approved in February 2010 and
- requests that the Joint Chairs supply early confirmation that the amendment has been approved at this meeting.

The policy that was approved in February 2010 was missing the following point re **Disposal**:

12 f. In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12g-12m and 12s will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:

- *the disposal will significantly improve the long-term public benefit derived from the remaining collection,*
- *the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),*
- *the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.*

The Acquisitions and Disposals policy guides our decision making when we are considering adding items to our collections or when we are considering disposing of items from our collection. It ensures we consider the costs, legality and the ethics of potential acquisition or disposal. It also provides us with a framework for avoiding conflict of interest with other organisations that may be collecting similar objects.

The policy also clarifies the Joint Committee's responsibility within the decision process.

This report presents the Joint Committee with an amended Acquisition and Disposals Policy, and asks for approval of this amendment. The reason early confirmation of approval is required is because we are re-applying for Accreditation with the Museums Libraries and Archives Council. Their panel meeting takes place on 22nd of July and they need all the paperwork to be with them by Friday 9th July 2010.

Mount Edgumbe Corporate Plan:

Contributes to the *% of collections managed to professional standards* outcome in the Corporate Plan

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There is no cost

Other Implications: e.g Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment etc

None.

Recommendations & Reasons for Recommended Action:

It is recommended that:-

- I. The Joint Committee approve the amended policy and agree to provide early confirmation of this decision. The reason being that the old policy is missing one key point and as it stands does not meet the Museums Libraries and Archive Council's Accreditation requirements. The early confirmation is required because of a deadline for our Accreditation application.

Alternative Options Considered & Reasons for Recommended Action:

N/A

Background Papers:

- i) Accreditation Standard held at Mount Edgumbe
- ii) Proposed policy attached
- iii) Previous policies held at Mount Edgumbe

Sign Off

Fin		Leg	N/A	HR	N/A	AM	N/A	IT	N/A
Cornwall County Council									

Mount Edgumbe

Britain's historic park by the sea

Acquisition and Disposal Policy Mount Edgumbe House

Governing body: Mount Edgumbe Joint Committee

Date approved by Mount Edgumbe Joint Committee: 25th June 2010

Date at which this policy is due for review: June 2013 (Three years from last approval date)

1. Vision Statement for Mount Edgumbe House and Country Park

A unique, sustainable, nationally important, historic environment with landscape, gardens, buildings and collections, accessible to people of Plymouth, Cornwall and beyond. A beautiful and safe space in which to enjoy, learn and be inspired; achieving an outstanding quality of life.

2. Existing collections, including the subjects or themes and the periods of time and /or geographic areas to which the collections relate

Main Collection

The interior of the house is furnished with 98% Mount Edgumbe family possessions.

The collections may be summarized as predominantly art and decorative art from a variety of periods spanning approximately the last 500 years (with the exception of the earlier Bronze Age horns). Collection items include paintings, frames, antique furniture, tapestries, ceramics, silver etc. There is also a small library of antiquarian books.

There are some very important items in the collections. These include paintings by Sir Joshua Reynolds and Van de Velde, Boulle furniture of exceptional quality, tapestries - fragments of a larger work (late 16th century), and a pair of Bronze Age Horns.

Some of the Reserve collections of prints, drawings and watercolours are housed in stores at Plymouth City Museum and Art Gallery. The vast majority of the collection is housed on site and approximately 2/3 is on display. A reserve collection of furniture is housed in the attic at Mount Edgumbe House. The reserve collection of oil paintings are housed in a dedicated store room in the house.

Loans

In 2003, a further collection of paintings, frames, works on paper, objects and archive material was made available to Mount Edgcumbe House by the present Earl of Mount Edgcumbe. This is a short term loan that is reviewed every three years. This additional collection – approximately 220 items - holds a number of unique and important works of art (including drawings by Van de Velde), and archive material and historical information relating to Mount Edgcumbe and the Edgcumbe family. The condition of the objects in this collection is very varied. These items are stored in two stores within the house.

In the Barrow Park area we display collections of items on loan from the National Trust, Geevor and Weald and Downland Open Air Museum. These loans are to be reviewed in 2012. None of these items are unique or of high value individually. They serve to illustrate tools and equipment that would have been in these workshops and saw mill areas.

The curatorial responsibility for the Mount Edgcumbe collections is vested with the City Curator at Plymouth City Museum and Art Gallery.

3. Criteria governing future acquisition policy including the subjects or themes, periods of time and/or geographic areas and any collections which will not be subject to further acquisition.

Future acquisitions will continue to focus on objects and artworks that belonged to the Edgcumbe family or help us to interpret the family or property history. This includes

- Social history artefacts that relate to the history of the Mount Edgcumbe Estate and those who worked on it.
- Artefacts that, though not of Mount Edgcumbe family provenance, are representative of what the Edgumbes may have owned.
- Archive material such as photographs and documents.

We will acquire objects within the following date range: between 1560 and 1950.

4. Limitations on collecting

Mount Edgcumbe recognises its responsibility, in acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Accreditation Standard. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

5. Collecting policies of other museums

Mount Edgcumbe will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialisms, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s):

- National Trust (Cotehele and Saltram House)
- Plymouth City Museum and Art Gallery
- Cornwall Records Office

6. Policy review procedure

The Acquisition and Disposal Policy will be published and reviewed from time to time, at least once every five years. The date when the policy is next due for review is noted above.

The Regional MLA will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

7. Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the Mount Edgcumbe Joint Committee itself, having regard to the interests of other museums.

8. Acquisition procedures

a. Mount Edgcumbe will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.

b. In particular, Mount Edgcumbe will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).

c. In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, Mount Edgcumbe will reject any items that have been illicitly traded. The Mount Edgcumbe Joint Committee will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

d. So far as biological and geological material is concerned, Mount Edgcumbe will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.

e. The museum will not acquire archaeological antiquities (including excavated ceramics) in any case where the Mount Edgcumbe Joint committee or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.

In England, Northern Ireland and Wales the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure as defined by the Treasure Act 1996.

f. Any exceptions to the above clauses 8a, 8b, 8c, or 8e will only be because Mount Edgcumbe is either:

acting as an externally approved repository of last resort for material of local (UK) origin; or

acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded; or

acting with the permission of authorities with the requisite jurisdiction in the country of origin; or

in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases Mount Edgcumbe will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

g. Mount Edgcumbe does not hold or intend to acquire any human remains.

9. Spoliation

Mount Edgcumbe will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

10. The Repatriation and Restitution of objects and human remains

The Mount Edgcumbe Joint Committee, acting on the advice of the museum's professional staff, may take a decision to return objects or specimens to a country or people of origin. Mount Edgcumbe will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12a-12d, 12g and 12s below will be followed but the remaining procedures are not appropriate.

11. Management of archives

As Mount Edgcumbe holds / intends to acquire archives, including photographs and printed ephemera, the Mount Edgcumbe Joint Committee will be guided by the Code of Practice on Archives for Museums and Galleries in the United Kingdom (3rd ed., 2002).

12. Disposal procedures

Disposal preliminaries

- a. The Mount Edgcumbe Joint Committee will ensure that the disposal process is carried out openly and with transparency.
- b. By definition, Mount Edgcumbe House, as a museum, has a long-term purpose and holds collections in trust for society in relation to its stated objectives. The Mount Edgcumbe Joint Committee therefore accepts the principle that sound curatorial reasons for disposal must be established before consideration is given to the disposal of any items in Mount Edgcumbe's collection.
- c. Mount Edgcumbe will confirm that it is legally free to dispose of an item and agreements on disposal made with donors will be taken into account.
- d. When disposal of a museum object is being considered, Mount Edgcumbe will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

Motivation for disposal and method of disposal

- e. When disposal is motivated by curatorial reasons the procedures outlined in paragraphs 12g-12s will be followed and the method of disposal may be by gift, sale or exchange.
- f. In exceptional cases, the disposal may be motivated principally by financial reasons. The method of disposal will therefore be by sale and the procedures outlined below in paragraphs 12g-12m and 12s will be followed. In cases where disposal is motivated by financial reasons, the governing body will not undertake disposal unless it can be demonstrated that all the following exceptional circumstances are met in full:
 - the disposal will significantly improve the long-term public benefit derived from the remaining collection,
 - the disposal will not be undertaken to generate short-term revenue (for example to meet a budget deficit),
 - the disposal will be undertaken as a last resort after other sources of funding have been thoroughly explored.

The disposal decision-making process

g. Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by the Mount Edgumbe Joint Committee only after full consideration of the reasons for disposal. Other factors including the public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. External expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.

Responsibility for disposal decision-making

h. A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the Mount Edgumbe Joint Committee acting on the advice of professional curatorial staff and not of the curator of the collection acting alone.

Use of proceeds of sale

i. Any monies received by the Mount Edgumbe Joint Committee from the disposal of items will be applied for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from MLA.

j. The proceeds of a sale will be ring-fenced so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard.

Disposal by gift or sale

k. Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain, unless it is to be destroyed. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.

l. If the material is not acquired by any Accredited Museums to which it was offered directly as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material, normally through an announcement in the Museums Association's Museums Journal, and in other specialist journals where appropriate.

m. The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed.

At the end of this period, if no expressions of interest have been received, Mount Edgcumbe may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.

Disposal by Exchange

n. The nature of disposal by exchange means that Mount Edgcumbe will not necessarily be in a position to exchange the material with another Accredited museum. The Mount Edgcumbe Joint Committee will therefore ensure that issues relating to accountability and impartiality are carefully considered to avoid undue influence on its decision-making process.

o. In cases where the Mount Edgcumbe Joint Committee wishes for sound curatorial reasons to exchange material directly with Accredited or unaccredited museums, with other organisations or with individuals, the procedures in paragraphs 12a-12d and 12g-12h will be followed as will the procedures in paragraphs 12p-12s.

p. If the exchange is proposed to be made with a specific Accredited museum, other Accredited museums which collect in the same or related areas will be directly notified of the proposal and their comments will be requested.

q. If the exchange is proposed with a non-accredited museum, with another type of organisation or with an individual, Mount Edgcumbe will make an announcement in the Museums Journal and in other specialist journals where appropriate.

r. Both the notification and announcement must provide information on the number and nature of the specimens or objects involved both in the Mount Edgcumbe's collection and those intended to be acquired in exchange. A period of at least two months must be allowed for comments to be received. At the end of this period, the Mount Edgcumbe Joint Committee must consider the comments before a final decision on the exchange is made.

Documenting disposal

s. Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on de-accession and disposal.

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