

PANNETT PARK | WHITBY | YO21 1RE
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Dear Councillor/Trustee,

23 June 2022

You are requested to attend a meeting of the **PANNETT ART GALLERY AND WHITBY MUSEUM JOINT MANAGEMENT COMMITTEE** to be conducted in the **Normanby Room, Whitby Museum**, on **Tuesday 28 June 2022 at 2:00pm**, the agenda for which is set out below.



Michael King
Town Clerk

To: Whitby Town Council: Councillors (9)
Whitby Literary & Philosophical Society (6)

NOTICE OF MEETING – Public notice of the meeting is given in accordance with schedule 12, paragraph 10(2) of the Local Government Act 1972.

AGENDA

1. **ELECTION OF CHAIR FOR THE YEAR 2022/23**
2. **ELECTION OF VICE-CHAIR FOR THE YEAR 2022/23**
3. **APOLOGIES FOR ABSENCE**
To receive and resolve upon apologies for inability to attend.
4. **DECLARATION OF INTERESTS & REQUESTS FOR DISPENSATION**
To declare any interests which members have in the following agenda items.
5. **PUBLIC PARTICIPATION**
Standing Orders will be suspended for up to 15 minutes to allow for questions or statements about business items on the agenda, submitted by members of the public (limited to 3 mins per person). Note: Questions regarding Whitby Museum & Literary & Philosophical Society are not permissible.
6. **MINUTES** **page 3**
To approve as an accurate record the minutes of the committee meeting held on 17 March 2022.

- 7. PROCEDURAL REVIEW** **page 7**
- a. Terms of Reference of the Committee.**
 - b. Delegation Arrangements to Employees**
 - c. Adoption of Appropriate Standing Orders, Policies and Procedures Relating to the Functions of the Committee**

The attached Terms of Reference (as approved September 2021) are presented for consideration under Items 7a and 7b. Standing Orders Policies and Procedures are those approved and adopted by Whitby Town Council at its meeting 17 May 2022.

8. ANTICIPATED COMMITTEE WORKLOAD FOR THE COMING YEAR

Members are requested to consider the workload of the Committee under the following headings:

- a. Day-to-day Operational Improvements
- b. Potential for External Grant Programmes, Investment and Development
- c. Repairs and Maintenance (11, below).

It should be noted that future meetings of the JMC will be held on 27 September, 13 December and 14 March 2023

- 9. CORRESPONDENCE FROM THE CHAIR OF THE WLPS** **page 11**
- 10. BUILDING MAINTENANCE EXPENDITURE 2020/22** **page 13**
- 11. REPORT ON OTHER PROPERTY MATTERS** **page 15**

WHITBY TOWN COUNCIL

Minutes of the meeting of the **Pannett Art Gallery and Whitby Museum Joint Management Committee** held on **Thursday 17 March 2022 at 1:00pm** in the Normanby Room, Whitby Museum.

Present Whitby Town Council: Councillors Mrs A Brown, Mrs H R Coughlan, R Dalrymple (Chair), G Goodberry, G Jackson, A Jones (sub), J Nock, and Mrs N L Wilson;
Whitby Literary & Philosophical Society: Ms S Booth, Mrs W Price, C Pyrah, Mrs A Roberts. Mrs H Wright (sub)

Also: Michael King, Town Clerk, Helen Berry, PAG Curator.

NOTICE OF MEETING – Public Notice of the Meeting was given in accordance with Schedule 12, paragraph 10 (2) of the Local Government Act 1972.

JMC220/22 APOLOGIES

Received from Mrs D Gilroy and Councillor Mrs L Wild. (It was noted that C Pyrah had replaced S Barnard as a Lit & Phil nominee.

JMC221/22 DECLARATION(S) OF INTEREST & REQUEST FOR DISPENSATION

None.

STANDING ORDERS SUSPENDED

JMC222/22 PUBLIC PARTICIPATION SESSION

No public participation.

STANDING ORDERS REINSTATED

JMC223/22 MINUTES

MOVED by Councillor J Nock, seconded by Councillor Mrs N Wilson and

RESOLVED unanimously that the minutes of the Joint Management Committee held on 30 September 2021 having been circulated be taken as read and signed as a correct record subject to the minor attendance amendments.

JMC224/22 NEW WHITBY MUSEUM MAIN ENTRANCE PROPOSAL

The Town Clerk reported the response of the Pannett Art Gallery and Whitby Museum Trust and the Pannett Park Trust to the proposals referred from the meeting held on 30 September 2021.

MOVED by Councillor J Nock, seconded by Councillor G Jackson and

RESOLVED unanimously (a) that the Clerks report is noted;
(b) that issues relating to the access and flow of the building be considered at the next meeting of the committee.

JMC225/22 REPORT ON PROPERTY MATTERS

COSTS

Figures for Income and Expenditure on building maintenance were submitted.

BUILDING SURVEY, HEATING, RE-WIRING AND FLOORING

An ITT covering this work had been accepted by a contractor to be appointed through the YorHUB framework agreement. A response was awaited.

LIFT UPDATE

recent work had added shaft lighting and an access ladder to the lift shaft. An auto dialler had been installed to connect to the phone system. Clarification was being sought on the announcement by BT/Openreach of plans to switch off their PSTN (Public Switched Telephone Network) and ISDN (analogue) lines in 2025 and to stop installing new lines in 2023.

FIRE DRILL AND ESCAPE ROUTE

It was confirmed that fire exits must comply with the building standards from the date of installation, subject to a re-evaluation if major works are carried out to the building.

OUTSIDE DECORATION

Quotations were being sought from suitably capable decorators covering all external woodwork, painted stonework and ironwork including rainwater goods. It is anticipated that this work would be carried out in late spring, during favourable weather.

FLOOR

Remedial work to 'grind' ill-fitting metal grills was identified. Suitable contractors would be sought.

SIGNAGE

Proposed signage for the front and rear of the building was discussed – it was agreed that a walk-around and photo survey would be undertaken to finalise the specification for new signage and co-ordinated into the (separate) external decoration.

AIR CONDITIONING

It was identified that additional units fitted as part of the refurbishments would revert to the town council as landlord once any purchase warranty was exhausted. Future maintenance would be commissioned by the landlord and recharged to the tenant.

WORK UNDERTAKEN BY THE MUSEUM

It was confirmed that work had been completed to the Tea Room, Normanby Room, including AV and lighting, and to the museum's telephone and WiFi.

MOVED by Councillor Mrs N Wilson, seconded by Councillor G Jackson and

RESOLVED unanimously that the above information is received.

draft

**TERMS OF REFERENCE
WHITBY TOWN COUNCIL**

**PANNETT ART GALLERY & WHITBY MUSEUM
JOINT MANAGEMENT COMMITTEE**

General

A Committee of the Town Council established by High Court Order to “repair, maintain and keep in a good and proper state of repair and condition (both inside and outside) the buildings constituting the Art Gallery and the Museum building including the Kendal Room, in Pannett Park” having due regard to “the purposes for which the buildings are to be used and the nature and value of the contents thereof”.

Note: The contents of the Art Gallery are held in trust by the Town Council on behalf of the inhabitants of Whitby. The contents of the Museum are held in trust by the Whitby Literary and Philosophical Society for the inhabitants of Whitby. The contents of the Library and Archives are the sole property of the Whitby Literary and Philosophical Society.

Membership, Chairmanship and Quorum

Number of Members	Nine councillors to include the Chair of the Finance & Gen Purposes Committee, the Chair of the Human Resources Committee, 7 members of the PAG Committee - and 6 nominees from the Whitby Literary & Philosophical Society – total 15
Substitute Members Permitted	Yes: any member of Town Council
Appointments/Removals from Office	Councillors: by resolution of full Council. Society members: by resolution of Lit & Phil Management Committee
Restrictions on Appointment	None
Restrictions on Chairmanship/Vice-Chairmanship	Chairman & Vice Chairman must be a Councillor.
Quorum	6 Councillors
Number of ordinary meetings per Council Year	Minimum of 2
Current Sub-Committees	None

Terms of Reference

1. Under the terms of the 999-year lease*, the right and duty of maintenance of the fabric of both the Art Gallery and Museum buildings and the heating and lighting and administrative services of all of the said buildings is vested in the Joint Management Committee which is deemed to be a Committee of the Council.
2. Responsible for authorising the use of the Art Gallery for any official or public ceremonies or for the purposes of holding therein concerts, art exhibitions, or lectures, or for other cultural purposes; and to provide for the admission of the public during the periods of any such use on such terms as to payment or other conditions as the Joint Management Committee determines.
3. Responsible for implementing measures to safeguard the security of building and its contents, within the agreed budget.
4. Responsible for implementing health and safety measures and procedures to safeguard employees, users, and visitors to the building, within the agreed budget.
5. Formulate and make recommendations to Council in relation to strategies, for maintenance of the fabric of the building, which require financial outlay in excess of the agreed budget.
6. Formulate and make recommendations to Council in relation to caretaking provision. (Note: Under the terms of the lease* the Council employs and pays the wages of the caretaking staff)
7. To determine by resolution annually, the contribution to be made by the Whitby Literary and Philosophical Society each year towards the costs and expenses to be incurred by the Council in repairing and maintaining the buildings, provided that the Society shall not be required to contribute in any year, a sum in excess of 60% of the total monies received by the Society in that year in respect of charges for admission to the Museum and other rooms under the control and management of the Society.
8. Responsible for preparing a draft revenue budget for each coming financial year in respect of the functions falling within the terms of reference of the Joint Management Committee and to submit that to the Finance & General Purposes Committee for consideration by not later than 31 December in any year.

Delegated Powers.

9. The matters referred to in Paragraphs 1,2, 3, 4, 5, 6 and 8 above are fully delegated.
10. The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Responsible Financial Officer.
11. The Town Clerk or in the absence of the Town Clerk, the Deputy Town Clerk is authorised to act as and carry out the duties of the Senior Officer of the Council in respect of the Council's employees in the Museum and Art Gallery building.

Notes

Following the election of the Chairman and Deputy Chairman of the Joint Management Committee at the first meeting of the Committee in each Council year, the order of business shall be as follows:

- (a) Confirmation of the accuracy of the minutes of the last meeting of the Committee.
- (b) Review of the terms of reference of the Committee.
- (c) Review of delegation arrangements to employees
- (d) Review and adoption of appropriate standing orders, policies and procedures relating to the functions of the Committee.
- (e) Review of the anticipated Committee workload for the coming year.

Note: The terms of reference for the Art Gallery Committee will be determined by the Council as the trustees of the Art Gallery and its collections.

Version History

These Terms of Reference were approved by the Town Council on 2 November 2020 (Minute 086/20 refers)

- * The Legal Orders and Leases under which this Committee holds its terms of reference are:
 - (a) Order of the Chancery division of the High Court of Justice made on 5 November 1948 re: lease dated 15 August 1931
 - (b) 999 year lease between Whitby Urban District Council and Whitby Literary and Philosophical Society dated 2 June 1953 and a supplemental lease dated 10th February 2003

Note: Whitby Town Council is the assigned successor to Whitby Urban District Council in respect of these documents.

1. **Letter to all councillors, received 27 May 2022, considered at the FP&GP Committee meeting on 7 June 2022**
2. **Letter to the Joint Management Committee - addressed Dear Councillors (sic) on behalf of the trustees received 20 June 2022**

Sent under separate cover to members of the committee

**WHITBY TOWN COUNCIL
JOINT MANAGEMENT COMMITTEE – 28 JUNE 2022**

BUILDING MAINTENANCE EXPENDITURE 2020-2022

1. Introduction

1.1 The table below shows building maintenance income and expenditure in the past two financial years.

	2021-22 ¹	2020-21
Income	(£)	(£)
4000/6 Refunds Lit and Phil	3,528	4,076
4000/7 Art Gallery/Museum admission sales	45,065	8,389
Lit & Phil Derived Income	48,592	£12,466
Expenditure		
5000/4/1 Gas	7,396	7,302
5000/4/2 Electricity	9,366	4,897
5000/4/3 Water Rates	1,256	736
5000/4/4 Refuse Collections	414	419
5000/4/5 Rates	-	-
5000/4/6 Hygiene Contracts	896	1,749
5000/4/7 Security Patrols	4,815	5,216
5000/4/8 Alarm Call Outs	-	-
5000/4/9 ADT Contract	11,282	6,466
5000/4/10 Repairs and Maintenance	19,353	6,466
5000/4/11 Cleaning/Hygiene Supplies	3,400	1,207
5000/4/12 Fixtures and Fittings	8,646	3,718
5000/4/14 Maintenance Reserve	-	-
5000/4/15 Air Conditioning	661	
5000/4/16 Heating System	877	
5000/4/20 Overhead Recharge (Staffing & Insurance)	40,441	£41,934
Total Building Management	108,802	£80,109
Expenditure Allocated to Museum (78% floorspace)	84,866	62,485
Less Income Received	-48,592	-12,466
Net Income(-)/Subsidy(+)	36,274	50,020

1.2 It is **recommended** that the contribution to be made by the Whitby Literary and Philosophical Society be capped at £85,000 for 2022/23, provided that the Society shall not be required to contribute in excess of 60% of its total receipts.

¹ Subject to Limited Assurance Review by 30 September 2022

WHITBY TOWN COUNCIL
JOINT MANAGEMENT COMMITTEE – 28 JUNE 2022

REPORT ON PROPERTY MATTERS

1. Introduction

- 1.1 This report outlines those matters which have been addressed since the last meeting of the committee and those which have arisen since.

2. Current Issues

- 2.1 Following procurement of specialist survey and design work through the YORConsult Framework Agreement and with revenue funding support from the borough council, the town council approved a tender on Tuesday 14 June and has engaged TetraTec Ltd to undertake a range of building surveys and development proposals for the gallery to RIBA 2.
- 2.2 In mobilizing the contract arrangements, we will consider phasing the project so that the survey and current conditions baseline (RIBA 1) is reported in September and the RIBA 2 in November.
- 2.3 There is an established project board comprising key stakeholder interests including the Lit & Phil. Managing under PRINCE2 principles, the project board will approve moving from stage to stage – linked to core deliverables in September and November. The first meeting with the consultants will be to agree the Project Initiation Document (PID) and to set the tolerances, etc. After which we can respond to developments within those limits.
- 2.4 Other stakeholder engagement, which will have to be wider than just the councillors outside the structure of these formal meetings will be determined to suit the consultants' approach.

3. Conclusion

- 3.1 The development of the RIBA 2 plans for expansion of the gallery is fortuitous in that it addresses the need for condition and M&E surveys of the whole building.

Recommendation – That the position is noted.

Michael King
Town Clerk & RFO