

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

7 December 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 13 December 2022 at 2:00pm**, the agenda for which is set out below.



Michael King
Town Clerk

To: Whitby Town Council: Councillors: Mrs A Brown, Mrs H Coughlan, R Dalrymple, J Harston, G Goodberry, A Jones, J Nock, Mrs L Wild and Mrs N L Wilson; Whitby Literary & Philosophical Society: Ms A Roberts, Ms S Booth, D Rodwell-Cox, Ms D Gildroy, C Pyrah and G Pipe

Cllrs Redfern and Mrs Turner (sub)

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. APOLOGIES FOR ABSENCE**
To receive and resolve upon apologies for inability to attend.
- 2. DECLARATION OF INTERESTS & REQUESTS FOR DISPENSATION**
To declare any interests which members have in the following agenda items.
- 3. 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.
- 4. MINUTES** **page 3**
To approve as an accurate record the minutes of the committee meeting held on 27 September 2022.
- 5. PROCEDURAL REVIEW** **page 7**
Terms of Reference of the Committee - as agreed at the September meeting, proposed amendments to be tabled at this meeting.
- 6. BUILDING MAINTENANCE INCOME & EXPENDITURE 2022/23** **page 19**

7. REPORT ON PROPERTY MATTERS

- a) **External Decoration** – consideration of quotation
- b) **Roof Drainage** – consideration of quotation
- c) **Building Survey** – Tetra Tech Measured and Condition Survey as circulated
- d) **Prospective Electrical Survey** – from c) above.
- e) **Museum Floor Condition** – from c) above
- f) **Assignment of Café Operating Licence**
- g) **Improvements to Doorway at Rear of Building**

8. AGREED ACTION POINTS

To record actions and timescales resolved above

WHITBY TOWN COUNCIL

Minutes of the meeting of the **PANNETT ART GALLERY AND WHITBY MUSEUM JOINT MANAGEMENT** Committee held in the Normanby Room, Whitby Museum on Tuesday 27 September 2022 at 2:00pm.

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

Also: M King, Town Clerk, A Cowey Deputy Clerk & Civic Officer and H 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

169/22 APOLOGIES FOR ABSENCE

Apologies for inability to attend were received from Councillor Mrs A Brown, G Pipe and D Rodwell.

MOVED by Councillor Mrs Wild, seconded by Councillor Mrs Coughlan and unanimously

RESOLVED that the apologies be accepted.

170/22 STATEMENT BY THE CHAIR

Following the last meeting the Chairman read out a statement condemning the treatment the members of the Town Council received and how they were made to feel. He explained about the procedures the Town Council has to follow under local government law and hopes that both parties will move on and work together in the best interests in the running of the Art Gallery/Museum building.

171/22 DECLARATION OF INTERESTS & REQUESTS FOR DISPENSATION

None.

STANDING ORDERS SUSPENDED

172/22 PUBLIC PARTICIPATION

None.

STANDING ORDERS REINSTATED

173/22 MINUTES OF MEETING HELD ON 28 JUNE 2022.

MOVED by Councillor Mrs Wilson, seconded by Mrs A Roberts and unanimously

RESOLVED that minutes of the Pannett Art Gallery and Whitby Museum Joint Management Committee Held on 28 June 2022 having been circulated be taken as read and signed by the Chairman as true record.

174/22 PROCEDURAL REVIEW

MOVED by Mrs A Roberts, seconded by Councillor Mrs L Wild, 'that a proposal for definition of remit of the Joint Management Committee, put forward by the Lit and Phil, is considered and approved.'

An amendment was

MOVED by Councillor J Nock, seconded by Councillor Mrs L Wild, an amendment to add the words 'is delegated to the Town Clerk and Museum Manager to redraft for the JMC to consider at its next meeting.' and remove the words 'is considered and approved.'

A vote on the amendment was taken first

It was **RESOLVED** that the amendment is carried.

A vote on the substantive motion including the amendment was then taken

RESOLVED unanimously that the proposal for definition of remit of the Joint Management Committee, put forward by the Lit and Phil, is delegated to the Town Clerk and Museum Manager to redraft for the JMC to consider at its next meeting.

175/22 CONTENTIOUS CLAUSES IN THE 1953 LEASE (4iii, 10)

Members discussed the relevant clauses of the lease, and it was agreed that this item should be discussed at a future advisory meeting between Councillors and members of the Lit and Phil.

176/22 BUILDING MAINTENANCE EXPENDITURE 2020/22 AND BUDGET BIDS

Building Maintenance expenditure 2020-2022 was circulated and discussed.

MOVED by Councillor S Smith, seconded by Councillor G Goodberry and

RESOLVED unanimously 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.

177/22 OPERATION OF THE CAFÉ

Submitted: A letter from the Lit and Phil advising the Town Council that Mrs Hannah Allen had taken over the running of the Whitby Museum Tea Room following the resignation of Mrs Pippa Smith.

MOVED by Councillor S Smith, seconded by Councillor Mrs Linda Wild

RESOLVED unanimously that this information is noted and referred to the Finance Policy and General Purposes Committee.

178/22 REPORT OF TETRATECH AND PROGRESS

Submitted: A summary of the RIBA Stage 1 proposals for extension of the Pannett Gallery. The Lit and Phil will have its comments ready for the next meeting.

MOVED by Councillor S Smith, seconded by Councillor R Dalrymple

RESOLVED unanimously that the information from Tetrattech is received.

MOVED by Councillor Mrs Coughlan, seconded by Councillor Harston and unanimously

RESOLVED that the cashbook balance sheet for the quarter ending 30 June 2022 be noted.

179/22 REAR ENTRANCE IMPROVEMENT

The Chair of the Lit and Phil reported on works they would like to undertake to improve accessibility for wheelchairs and pushchairs into the Art Gallery/Museum building.

MOVED by C Pyrah, seconded by Councillor S Smith and

RESOLVED unanimously that the idea is approved in principle – that better designs are brought back to the committee including a detailed specification which takes the impact on the intruder alarm, fire alarm and CCTV into consideration.

180/22 REPORT ON OTHER PROPERTY MATTERS

The Town Clerk reported on the maintenance which had been carried out on the property. The work on the grills had been undertaken by the Lit and Phil – the Council will require indemnification of liability documents following this work. Most of the property work will be identified within the survey report from Tetrattech.

The Town Council have appointed a part time maintenance supervisor who will be able to undertake many of the maintenance/housekeeping issue which will/may arise.

MOVED by Mrs H Coughlan seconded by Councillor R Dalrymple

RESOLVED unanimously that the report on property matters is received.

181/22

AGREED ACTION POINTS

Action	Target Date
a) MK to redraft Terms of Reference with HW for circulation to all members of JMC before next meeting	30 November 2022
b) Issues related to the leases to be progressed between WTC and WLPS but outside JMC.	Ongoing
c) Formula for calculation of caretaking costs and insurance to be shared with SB.	10 October 2022
d) Condition and measured surveys to be circulated to confirm floorspace as basis of apportionment of costs. (MK)	30 November 2022
e) Comments from Tetrattech are circulated for the next meeting of JMC	13 December 2022
f) Statement on the electrical safety of additional cabinet lighting (MK)	13 December 2022
g) Quotes for the exterior decoration of the building to be considered	13 December 2022
h) Further detail on the rear entrance to be submitted to the next meeting of JMC	13 December 2022

MOVED by Councillor S Smith, seconded by Councillor G Goodberry

RESOLVED that the action points are agreed.

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13 December 2022

**TERMS OF REFERENCE
WHITBY TOWN COUNCIL**

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

(As redrafted following the decision of committee 174/22)

1. General

A Committee of the Town Council, established by High Court Order, amongst other things 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.

2. Membership, Chair 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 Chair/Vice- Chair	Chair & Vice Chair must be a Councillor.
Quorum	6 Councillors – 4 Lit and Phil
Number of ordinary meetings per Council Year	Minimum of 4
Current Sub-Committees	None

3. Terms of Reference

Under the terms of the 999 year lease¹: **The JMC is to perform the following and only the following functions:**

- a. It shall carry out the rights and duties of the Council for the maintenance of the fabric both of the Art Gallery and of the Museum and of any new or additional buildings which may be erected by virtue of the conditions hereof and the heating and lighting and other administrative services of all the said buildings, as a committee of the Council, those being the rights and duties set forth in the Lease.
- b. It shall determine where its meetings shall take place.
- c. It may, prior to the termination of each year ending 2nd October, by resolution, direct that the Society shall pay to the Council a sum, as a contribution towards the costs and expenses to be incurred by the Council under the Lease, provided that the Society shall not be required to pay to the Council in any year a sum or sums exceeding in the aggregate 60 per centum of the total amount of the monies received by the Society in such year in respect of charges for admission to the museum or other rooms or buildings.
- d. It may:
 - i Authorise the Art Gallery or any new buildings erected by the Council in Pannett Park to be used for any official or public ceremonies or for the purposes of holding therein concerts art exhibitions or lectures or for other cultural purposes; and
 - ii provide for the admission of the public thereto during the periods of any such user upon such terms as to payment or otherwise and on such conditions as it may from time to time think fit.
- e. ~~The JMC~~ It shall:
 - i ~~meet when necessary~~
 - ii develop written policies to best ensure that each of the above functions is performed;
 - iii give effect to the same;
 - iv ~~perform each and every one of its functions~~

¹ The Legal Orders and Leases under which this Committee holds its terms of reference are:

i) Order of the Chancery division of the High Court of Justice made on 5th November 1948 re: lease dated 15 August 1931.

ii) 999-year lease between Whitby Urban District Council and Whitby Literary and Philosophical Society dated 2 June 1953 and a supplemental lease dated 10 February 2003.

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

Delegated Powers.

- a. The matters referred to in Section 3, above, are fully delegated.
- b. 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.
- c. 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.

4. Substitution

- a. Up to three members may be appointed by Council as nominated substitutes for members of the Committee unable to attend a meeting. It is the responsibility of the Committee member to contact one of the nominated substitutes to request their attendance as a replacement.
- b. The participation of a substitute member is only valid if the Town Clerk or Committee Clerk has been notified by the appointing member of the identity of the substitute member prior to the meeting.
- c. A duly appointed substitute shall be entitled to exercise all the powers of the appointing member including the power to propose motions, speak and vote save that a duly appointed substitute for the Chair shall not thereby be entitled to preside at the meeting. If the Chair is absent, the Deputy Chair shall chair the meeting; if the Deputy Chair is also absent, the Committee shall elect one of the members present to chair the meeting.

If at any time the appointing member attends the meeting Standing Order 15(a) (v) will apply (an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;)

Notes

Following the election of the Chair and Deputy Chair 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.

**WHITBY TOWN COUNCIL
JOINT MANAGEMENT COMMITTEE – 13 DECEMBER 2022**

BUILDING MAINTENANCE INCOME & EXPENDITURE 2022-2023

1. Introduction

1.1 The table below shows building related income and expenditure to the end of November (month 8) compared to the out-turn for 2021-22.

	2022-23 to date	2021-22 ²
Income	(£)	(£)
4000/6 Refunds Lit and Phil	3,764.20	3,528
4000/7 Art Gallery/Museum admission sales	54,289.80	45,065
Lit & Phil Derived Income	58,054.00	48,592
Expenditure		
5000/4/1 Gas	3,693.20	7,396
5000/4/2 Electricity	9,294.50	9,366
5000/4/3 Water Rates	1,312.18	1,256
5000/4/4 Refuse Collections	595.27	414
5000/4/5 Rates	240	-
5000/4/6 Hygiene Contracts	1,767.51	896
5000/4/7 Security Patrols	4,251.87	4,815
5000/4/8 Alarm Call Outs	-	-
5000/4/9 ADT Contract	6,929.26	11,282
5000/4/10 ADT Repairs and Maintenance	751.43	19,353
5000/4/11 Cleaning/Hygiene Supplies	1,166.94	3,400
5000/4/12 Fixtures and Fittings	1,168.34	8,646
5000/4/13 Lift Maintenance	596.25	
5000/4/14 Operational Equipment	-	-
5000/4/15 Air Conditioning	799.12	661
5000/4/16 Heating System	1,354.13	877
5000/4/17 Repairs & Maintenance (General)	9,7234.40	
5000/4/20 Overhead Recharge (Staffing & Insurance)	TBC	40,441
Total Facilities Management	43,644.40	108,802

² Audited figures