

Future of the Museum

A Change in the Constitution

Report by the Honorary Treasurer

**to Executive Committee 13th November 2018 and,
if approved, to an EGM for which due notice has been given – 20th November 2018**

1. Introduction

For many years, the constitution of the Museum has been that of a Charitable Trust. This has served the organisation well, but to meet more modern times, the Charity Commission – which is our regulatory body – is now recommending that we should move to a different arrangement.

The reason for a change is that the existing format is no longer ‘fit-for-purpose’ in a modern environment -

- there are doubts about the power to enter into contracts
- staff are now directly employed by the Museum, rather than through an arrangement with Mid Devon District Council
- there is a question mark over the potential personal liability of Trustees

2. Options

There are 4 possible models -

- a Charitable Company
- a Charitable Incorporated Organisation (CIO)
- a Charitable Trust
- an Unincorporated Organisation

Of these options, the CIO best fits the sort of organisation we are, and would suit our future plans. It means we will remain under the supervision of the Charity Commission (rather than Companies House) and it is the model recommended by them for organisations such as ours, with members still entitled to vote on important issues of principle, but with a new style Board of Trustees to manage the business.

3. A New Constitution

The Commission has provided Model Constitutions for organisations. A new Constitution for the museum has been drafted which follows the Commission model very closely. This has been posted on the Museum website and copies have been made available at the Museum. It is a formal legal document and runs to some 19 pages, and – once agreed by us – will have to be approved by the Commission.

4. Variation from the Model

As mentioned above, we have followed the Model as closely as possible, but in some paragraphs, there are options where the Museum has to choose. The choices made are set out below. Additionally, the first 3 paragraphs of the Constitution set out the Name and Objects of the organisation, and, as these are specific to our Museum and are not included in the model, they are reproduced here in full -

1. Name

The name of the Charitable Incorporated Organisation (“the CIO”) is –

Tiverton Museum of Mid Devon Life

2. National location of principal office

The principal office of the CIO is in England.

3. Objects

The objects of the CIO are

(1) to advance education for the public benefit and to promote the history of Tiverton and Mid Devon as told through its heritage, landscapes and stories of the people in the area;

(2) to provide and maintain a museum and information service at the Museum or such other buildings, and in pursuit of that object:

- to acquire items for its collection by gift, bequest, purchase or exchange
- to borrow and loan artefacts and archives relating to the area;
- to manage, document, conserve and safeguard the museum collections and holdings;
- to exhibit, interpret and provide public access to the museum collections and holdings;
- to provide learning experiences and activities for the public;
- to provide exhibitions, conferences, workshops, community space and other events;
- to research, promote and publish studies of the area;
- to provide an information service for the public.

(3) to undertake any other charitable purpose.

The ‘new’ name of the organisation shown above follows discussion with existing Executive Board members and volunteers at an away-day last summer. [The current organisation is formally called “Tiverton and Mid Devon Museum Trust”]

It is a legal requirement for the Constitution to state whether the organisation is in England or Wales.

The Objects are the crux of the document and will be studied carefully by the Commission before they will give approval. For this, we have followed the wording of a couple of other similar organisations which have recently had their new constitutions approved (Sherborne Museum and the Priest's House Museum in Wimborne Minster).

5. Other changes

Where the model offers options, we have chosen as follows -

Para 8: we could have set a limited liability (say, £1 or £10) but have decided no liability for members on winding up.

Para12(3): we could have had more flexible numbers of Trustees but have opted for a fixed minimum and maximum. It will still be possible to co-opt onto the Board in addition (someone with specific expertise, for example).

Para 12(4): we have to tell the Charity Commission who the initial Trustees are, so we have given the minimum number of names.

Para 13: the option here follows on from the option selected in para 12.

Para 16: we decided that re-appointment – if appropriate - could happen after an interval of one year (the model suggested 3 years, but we felt this might be too long a break).

6. Membership

If this goes ahead, the existing Trust the Executive Board and all members will cease to have any powers from 1st April 2019 as the Trust as such will cease to exist. The new Board will be strongly recommended to accept the membership rights of all those members whose renewal passes beyond that date. For those members whose renewal date is 1st April (or before), we hope you will continue to support us and join the 'new' Museum as regular members.

7. Conclusion and Recommendation

This new document takes us forward with an organisational structure fit to make possible major changes, but it is also important in that it recognises the position the Museum is now in: we should be making these improvements anyway.

The Director, the Chair and I recommend that the new Constitution be approved.

John Anderson
Honorary Treasurer
October 2018