

**JERSEY HERITAGE TRUST: AMENDMENTS TO CONSTITUTION (P.37/2002) - COMMENTS**

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**Presented to the States on 18th February 2003  
by the Education, Sport and Culture Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

150

2002

P.37 Com.

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## COMMENTS

Sponsorship of the Arts Trust and the Heritage Trust is soon to transfer to the newly formed Committee for Education Sport and Culture.

The States approved the constitution of the Heritage Trust unanimously on 25th May 1999, following an extended process of research, consultation, and legal advice from Crown Officers. It was carefully drafted over a period of three years and, under the terms of that constitution, a Board of Trustees governs the Trust, supported when required by a broad range of appropriate expertise.

### **The Proposition (P.37/2002)**

The Committee for Education Sport and Culture has recently received comments from the Heritage Trust on Deputy Baudains proposition and is informed that Trustees oppose the proposition for several reasons. Trustees feel -

- (i) there is no evidence to substantiate the allegation that Mont Orgueil has been damaged by actions of the Trustees over recent years. One piece of work carried out in 1998 would have been done differently today but steps have been taken to ensure that there can be no repetition of this. The Planning and Environment Committee dealt in detail with similar points made by Deputy Baudains in 2002 and these issues were also dealt with at a seminar organised by the Trust in April of that year. Friends of Mont Orgueil described the seminar as 'informative and successful';
- (ii) the Trust has a long record of successful management of its sites and facilities, a record that has been endorsed by many awards and commendations from external bodies;
- (iii) as a local body, the Trust is an independent organisation comprising people with experience and expertise in, among many other things, management and governance, finance, history, education, museum conservation, human resources, marketing, the creative arts, tourism and the public sector in general. As such it is able to call upon advice from a wide range of national and international bodies and experts, while ensuring that the responsibility for Jersey's heritage remains with local people. All members of the Board of Trustees comply with, support and adhere to the Nolan Committee's Seven Principles of Public Life which were used in the framing of the current constitution. Furthermore, the Board of Trustees has also formally adopted the Museums Association's Code of Ethics for Museums;
- (iv) these arrangements are consistent with the way heritage organisations are governed throughout the U.K. and they comply with the fundamentals of museum governance good practice (Governing Independent Museums AIM (1995)). There is no evidence to suggest that the amendment would create more independence than that which exists within the current composition of the Board. Indeed, the amendment would only serve to reduce local control;
- (v) the amendment would have significant financial implications for the Heritage Trust. U.K. nominated trustees would be likely to come from the U.K. and the reimbursement of expenses for attendance at the Trust's eight board meetings per year could be in the region of £8,400 per annum. In addition some members may require an honorarium for their services;
- (vi) in addition, the Trust is concerned that the alteration to the constitution to include three representatives - expert in archaeology and history, would lead to an unbalanced Board, less able to deal with the spread of responsibilities it currently carries. New Trustees assistance would therefore be reduced to specialist issues on which the Trust already receives extensive advice;
- (vii) the Board of Trustees also points out that, with the exception of one short letter about aspects of archaeology at Mont Orgueil, for which the Deputy received a detailed reply, he has made no suggestions nor has he consulted with the Heritage Trust on this matter.

### **Position of the Committee**

In preparation for undertaking the responsibilities of the extended remit of the new Committee for Education Sport and Culture the Education Department produced a 'merger' document that outlined the challenges facing the new organisation and suggested a process for establishing the relationship between the Committee and the Trusts for Art and Heritage. This suggested that agreements should be made with each Trust regarding -

- policy and strategy;
- business planning and budgeting;
- performance monitoring;
- Committee and Trust links.

Additionally the Committee intends to develop an overarching policy for arts and heritage to ensure a coherent and co-ordinated relationship between itself and the Trusts, which are closely allied in many aspects of their activities. This in itself may lead to a formal review of the constitutions of either or both Trusts. The Committee believes therefore that the Proposition (P.37/2002) is 'untimely' in that it suggests a change in the Heritage Trust's Constitution at a time when the Committee is preparing to undertake a wider review of cultural provision in the Island which may well require a review of the constitution of the Trusts as part of that process.

### **Recommendations**

The Committee recommends that members vote against the proposition because -

- trusts are not usually established with 'experts' on their boards, rather they rely on a broad range of external advice from specialists in particular fields;
- it is intended that the Committee will undertake a wider review of cultural provision for Education Sport and Culture in the near future;
- the Proposition brought by Deputy Baudains is untimely, and would have the effect of taking control and responsibility for Jersey's heritage out of local hands.