
Decision maker:	Director for Economy, Communities and Corporate
Decision date:	19 February 2016
Title of report:	Delegation approval ref the Brian Hatton Gallery trust fund
Report by:	Cultural Services Manager

Classification

Open

Key Decision

This is not a key decision.

Wards Affected

Countywide

Purpose

For the Director to approve delegated powers to access money in the Brian Hatton Gallery trust fund.

Recommendation(s)

THAT:

- (a) expenditure from the income accrued to the Brian Hatton Gallery trust fund be agreed subject to the following conditions being satisfied:**
 - i. A maximum of £10,000 spend in for the purpose of the 100th anniversary commemoration of the artist's death; and**
 - ii. In subsequent years smaller amounts of expenditure be agreed to contribute towards the ongoing upkeep of the collection : and**
 - iii. Expenditure is incurred in accordance with the purposes as specified in the trust scheme;**
- (b) authority be delegated to the assistant director communities to approve expenditure as outlined above.**

Alternative options

- 1 That a board is formed to hold the delegated powers for the management of the trust fund.

Disadvantages : could prevent a timely reaction to collection needs.

Disadvantages : the artwork collection to which the fund relates is continuing to be maintained by the Council and has ongoing needs directly corresponding to the objects of the trust fund.

Reasons for recommendations

- 2 The Brian Hatton artwork collection has ongoing conservational needs, and this year has also requirements related to an exhibition to commemorate the 100 anniversary of the artist's death.
- 3 This fund was specifically established for the purpose of providing a gallery space for the display of the works of Brian Hatton for the education and enjoyment of the public and for the care and collections management of these works, but cannot currently be accessed to support these needs without the transference of delegated powers to an appropriate officer

Key considerations

- 4 The Brian Hatton Gallery Trust was established in 2005 for the provision and maintenance of a gallery space for the display of works by Brian Hatton for the education and enjoyment of the public and for the care and collections management of these works. The current balance stands at £30,349.
- 5 Herefordshire Museum Service holds 1036 of artworks by Brian Hatton, a highly acclaimed artist who was born in Hereford in 1887 and died in the First World War in 1916.
- 6 Finance and legal services colleagues have confirmed that Herefordshire Council is currently named as the trustee of the Brian Hatton Gallery Trust.
- 7 Legal services have also advised that either a board should be formed with delegated powers to manage the day-to-day running of the trust, or that power could be delegated by a Director to the service manager to approve expenditure from the trust for the appropriate costs related to the Hatton collection.
- 8 It has become necessary to delegate these powers now to support the planned activities for the commemoration of the 100th anniversary of the death of Brian Hatton in 2016, which will require some reframing and other conservation work, and expenditure in relation to an exhibition of his works. It is estimated that expenditure up to £10,000 may be required for the activities this year. It is not expected that this level of expenditure would be required in subsequent years, rather that there would be much smaller one-off requirements such as small specific displays of the artist's material.

- 9 Both the remaining Hatton family members and other cultural stakeholders share an interest in ensuring that the fund is correctly managed and the monies appropriately expended. One reason for this interest is that the family provided the initial core of the trust fund which arose from their funding of the Hatton Gallery space at Churchill House.
- 10 Legal services have also confirmed that both the original donation and the income earned thereon may be applied for the purposes specified.
- 11 Each year income is added to the trust fund through interest on the balance and rent from the Hatton Gallery space at Churchill House. In 2014-15 this was £1,350.
- 12 The Brian Hatton Trust have been contacted and consulted on the recommendation and they give it their approval and support and agree that £10k is a proper assessment of the value of costs for the commemoration celebration.

Community impact

- 13 By approving the recommendation, greater access to the Hatton artworks, in accordance with the object of the charity (for the education and enjoyment of the public), can be provided to the wider community in this anniversary year.

Equality duty

- 14 The recommendations and actions if implemented will have a significant positive effect on people. The exhibition will enable all people to have a choice over how and where they access the materials and objects of the Brian Hatton collection, and;
 - a. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - b. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial implications

- 15 Herefordshire Council are the current Trustees of the Brian Hatton Gallery Trust Fund.
- 16 Released monies from the trust fund will be used to offset relevant expenditure from the museum services revenue budget .
- 17 Although the criteria of the trust fund document allow for the expenditure of both the interest and the original endowment, the sum of £10,000 will be drawn from the income, comprising rent and interest, not monies from the original endowment.

Legal implications

- 18 As Trustees of the Brian Hatton Gallery Trust Fund Herefordshire council has the legal authority to authorise the release of money from the trust fund for the purpose of making objects in the museum collection relating to Brian Hatton accessible for the public for the purpose of enjoyment and learning, and for their care and management.

- 19 Legal services have advised that the delegation of these powers to the appropriate officer is permissible.

Risk management

- 20 Herefordshire council must ensure that the necessary governance arrangements are in order to approve the release of funds from the trust for this purpose, hence the necessity of an officer decision report.
- 21 If the monies held in the trust fund were wound up, there is a risk of a legal challenge from the various interested external parties that the Council has not conducted itself appropriately with respect to the objectives of the fund.
- 22 The Charity Commission require an annual financial statement for compliance. This has not been returned since 2011 – this position should be rectified.

Consultees

Brian Hatton Trust

Appendices

None

Background papers

A copy of the sealed original of the fully regulated scheme governing the charity dated 24 October 2005.