

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Museum and National Trust: Policy on the appointment of Trustees

Paper No: 225/11

Date: 28 September 2011

Report of: Museum Manager/Clerk of Executive Council

1. Purpose

This paper seeks approval for the Museum & National Trust's policy on the appointment of Trustees.

2. Recommendations

Honourable Members are invited to:

- a) approve the policy put forward by the M&NT Board (see para 5.4) with regard to the selection and appointment of Trustees; and
- b) note that the M&NT are currently advertising for applications for Trustees and will present a paper to the October meeting of Executive Council with recommendations for appointment.

3. Financial Implication

None

4. Background

4.1 The Museum & National Trust was established by the Museum & National Trust Ordinance 1991. Appointments of Trustees are provided for by Section 4 of the Ordinance which reads as follows:

“4(1) – The Trust shall have not less than five and not more than seven members each of whom shall be appointed by, and may be removed by, instrument signed by the Governor on the advice of Executive Council.

(2) – Each member of the Trust shall hold office as such for the period specified in his appointment or the earlier occurrence of one of the following events –

- a) *his removal from office in accordance with subsection (1);*
- b) *his resignation by writing delivered to the Governor;*
- c) *his being sentenced to imprisonment for a period of three months or more, either immediately or suspended for a period or until the happening of some other event;*
- d) *his being adjudicated bankrupt.*

(3) – *A former member of the Trust is eligible for reappointment under subsection (1)."*

4.2 At the meeting of Executive Council held on 13 November 2008 it was further agreed that:

"the M&NT should submit to the Governor for approval in due course a policy covering the length of appointment of Trustees; whether such appointments should be staggered to provide continuity; and whether any vacancies for Trustees should be advertised as a matter of course."

This was re-stated at the meeting of Executive Council held on 13 April 2009.

4.3 In response to this and following discussions with the Board, the Chairman of the Trustees wrote:

"All the Trustees and the Museum Manager, who was asked for her views, were of the opinion that continuity was of the utmost importance. There seemed little merit in having a statutory period when a trustee should stand down. It was felt that if a trustee was willing to continue after they had completed their appointed period of service then they should seek re-nomination."

5. Current Position

5.1 The untimely death of Mrs. M.H. (Tim) Simpson has created a vacancy on the M&NT board.

5.2 Further to this, the three year period of service of four Trustees is due to end on 13 November and one on 1 December this year. This is due to the group re-appointments made at the meeting of Executive Council on 13 November 2008. It should also be noted that Mrs. Jan Cheek's term as a Trustee expired in June 2011. A paper will be presented to Executive Council in October and will include recommendations for new appointments to the M&NT and a proposal on how appointments could be staggered.

Name	Date of Appointment	Expiry
Mr. L.G. Blake (chair)	10 June 2003	13 November 2011
Mrs. Jan Cheek	1 June 2008	1 June 2011

Mr. Richard Cockwell	11 February 2005	13 November 2011
Mrs. Lucinda May	1 December 2008	1 December 2011
Mrs. Denise McPhee	25 January 2005	13 November 2011
Mr. Vernon Steen	28 July 2005	13 November 2011

5.3 In August 2011 the Chairman of the Trust wrote to His Excellency the Governor explaining that the Museum is in the process of relocating to the Dockyard. This is expected to be a challenging process and the M&NT board are concerned that lack of continuity at this time could be damaging to the project.

5.4 Further to Executive Council's request for clarification of the M&NT's policy, the following is recommended:

- (a) That a Trustee's standard period of service is three years.
- (b) That vacancies for Trustees should continue to be advertised publicly as a matter of course and in the interests of good governance.
- (c) That appointments should ideally be staggered to provide continuity.
- (d) That former members of the Trust continue to be eligible for re-appointment as described in the Museum & National Trust Ordinance 1991.
- (e) That the identification and selection of potential new Trustees should remain the responsibility of the Board serving at that time, to be approved by His Excellency the Governor on advice of Executive Council as described in the Museum & National Trust Ordinance 1991.

5.5 The Board believes that this is a critical time for the organisation – the Museum's relocation project is underway and the next 12-18 months will be particularly challenging for both staff and Trustees. Continuity is vital to the success of the project.

6 Financial Implications

None.

7. Legal Implications

None.

8. Human Resource Implications

None.