

Officer Non Key Executive Decision

Relevant Chief Officer (Decision Maker):	Alan Cavill, Director of Communications and Regeneration
Relevant Cabinet Member (for consultation purposes):	Councillor Lynn Williams, Leader of the Council
Report Author, Officer Name and Title	Heather Morrow, Head of Heritage
Implementation Date of Decision:	10 October 2022

BLACKPOOL MUSEUM PROJECT- INSTRUCTION TO LEGAL SERVICES TO PREPARE NEGOTIATING DRAFTS OF LEGAL AGREEMENTS BETWEEN BLACKPOOL COUNCIL AND THE BLACKPOOL HERITAGE AND MUSEUM TRUST

1.0 Purpose of report:

- 1.1 To formally instruct Legal Services to prepare negotiating drafts of a suite of legal agreements between Blackpool Council and the Blackpool Heritage and Museum Trust. This will ensure and provide contractual arrangements, which will articulate the relationship between the Council and the Trust, since it enables the service to be specified with appropriate professional standards.

2.0 Recommendation(s):

- 2.1 To formally instruct Legal Services to prepare negotiating drafts of a suite of legal agreements between Blackpool Council and the Blackpool Heritage and Museum Trust.

3.0 Reasons for recommendation's(s):

- 3.1 To ensure that the relationship between Blackpool Council and the Blackpool Heritage and Museum Trust is established on a secure legal footing which has been negotiated between and agreed by both parties.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes
- 3.3 Other alternative options to be considered:

None.

4.0 Council Priority:

- 4.1 The relevant Council Priority is: "The economy: maximising growth and opportunity across Blackpool".

5.0 Background Information

5.1 As part of the Showtown museum project a new charitable company has been set up called the Blackpool Heritage and Museum Trust. It will be responsible for the operation of the Showtown museum and the Blackpool Heritage Service in the longer term.

5.2 In order to ensure that the relationship between the two organisations is on a secure legal basis and there is clarity on both sides in terms of what is expected in connection with services to be provided a suite of legal agreements are required. This includes amongst other documents, an under-lease, a business transfer agreement, a partnership agreement and a collections agreement. There will also be a requirement for a form of agreement(s) associated with the Trust's occupation of space within the Central Library and the continued storage of the Illumination collection of historic artefacts at Lightworks.

5.3 It is proposed that Blackpool Council's Legal Services begins this process by the production of initial drafts which can form the basis of negotiation between the two parties. It is proposed that this takes place from now into the autumn, with a view to getting them sign off late 2022/early 2023.

5.4 It is further proposed that a member of Blackpool Council's Legal Services is appointed to negotiate on behalf of the Trust. Professional conduct rules will be operated effectively with internal measure adopted to ensure that information does not leak to people in another part of the same team and to protect client confidentiality, as is done with other Council arms' length companies.

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

None.

6.0 Legal considerations:

6.1 This Officer Non-key Decision provides the legal instruction for this work to be undertaken in line with professional conduct rules.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 If this instruction is not formally given it could have legal implications as the work undertaken would not conform to Law Society procedures.

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Blackpool Council Legal Services

13.0 Decision of Chief Officer

13.1 To formally instruct Legal Services to prepare negotiating drafts of a suite of legal agreements between Blackpool Council and the Blackpool Heritage and Museum Trust.

14.0 Reasons for the Decision of the Chief Officer

14.1 To ensure the relationship between Blackpool Council and the Blackpool Heritage and Museum Trust is set up on a secure legal footing.

14.2 The process by which the suite of legal documents is produced is in line with Law Society requirements.