

Memo

Teesside Archives Governance

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Subject: Options for future governance of the Teesside Archives

Matter for Consideration:

1. The Teesside Archives are currently managed through a joint committee of the four Teesside authorities with MBC as the lead authority. The Committee has limited impact upon the Archives operations and the current governance structure is considered to inhibit efficient and effective management of the archives.

Background Information

2. Appendix 1 sets out a chronology of the Teesside Archives.
3. The JAC is a formally constituted joint committee comprising one executive member nominated by each member authority:
 - Stockton on Tees Borough Council
 - Hartlepool Borough Council
 - Middlesbrough Borough Council
 - Redcar and Cleveland Borough Council
4. It has not been possible as yet to identify the resolution of MBC agreeing to the creation of the JAC or the acceptance of the lead authority role, however the same has been consistently identified as a joint committee within the Councils constitution at each review of the same. The Mayor has consistently appointed individuals to represent the Council on the JAC as this is an executive function of the Council.
5. The terms of reference of the JAC are to discharge the functions of the constituent authorities in respect of the maintenance of archives for the area. However, this presents challenges in respect of the size of the

archive, the lack of public engagement with it due to the majority of the archive being stored off site and the financial pressures on the constituent authorities.

6. As a result, enquiries have been made as to what, if any, assistance the Tees Valley Combined Authority ('TVCA') could provide. TVCA is currently undertaking a Heritage Feasibility Study and the future of the archives is to be considered as part of that project. Unfortunately however, it has not been possible to identify any reports in relation to that project on the TVCA website to date.

Key Issues

7. The requirement to maintain archives is set out at section 224 of the Local Government Act 1972:

224. Arrangements by principal councils for custody of documents.

(1) Without prejudice to the powers of the custos rotulorum to give directions as to the documents of any county, a principal council shall make proper arrangements with respect to any documents which belong to or are in the custody of the council or any of their officers.

(2) This section applies to a joint authority [, economic prosperity board]2[or combined authority]3[, combined authority or combined county authority]4[...]5 as it applies to a principal council.

8. The designation of the maintenance of archives as an executive function stems from the Local Authority (Functions and Responsibilities) Order 2000/2853, which provides that functions are presumed to be executive in nature unless specified otherwise.
9. Section 6.15.1 of the Constitution gives the Mayor the ability to delegate executive functions, including to joint arrangements. These arrangements should be reported to Council on an annual basis, updated as necessary thereafter, in accordance with the Executive Procedure Rules.
10. To alter the existing Joint Archive Committee arrangements it would be necessary for the following steps to be completed:
 - a. Officers prepare an options appraisal taking into account the views of the JAC plus officers and the executives of each constituent authority;

- b. The options appraisal be presented to the JAC for consideration;
- c. JAC recommend a preferred way forward to the constituent council executives for consideration;
- d. Constituent council executives consider the recommendation and approve or reject it.
- e. In the event that it is proposed that TVCA joins the JAC, this will need to be approved by the TVCA but careful consideration should be given to the consequences of TVCA nominating any individual other than the Mayor to the executive, given that the TVCA executive comprises the leaders of each of the constituent authority.
- f. In the event that an authority withdraws from the JAC (upon service of not less than 12 months notice expiring on 31st March), the joint arrangements shall terminate and the provisions in respect of termination (costs, staffing, materials etc) shall take effect.
- g. The remaining authorities (plus the TVCA) may enter into a newly constituted agreement for the provision of archive services, which agreement shall be approved by the executive of each constituent council.
- h. The constitution of each constituent council will need to be updated to reflect the new arrangements, as will any schemes of delegation.

Potential Legal and Financial Implications:

The financial provisions surrounding termination of the existing JAC arrangements are set out within the JAC service level agreement.

Recommendations and / or issues on which guidance is being sought:

Given that notice must be given by 31 March 2025 to expire on 31 March 2026 in the event of withdrawal of an authority, it is recommended that consideration is given to this matter as a matter of urgency.