

**CABINET  
25 SEPTEMBER 2018**

**\*PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: TRANSFER OF LETCHWORTH GARDEN CITY MUSEUM COLLECTIONS FROM NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC) MUSEUM SERVICE TO THE LETCHWORTH GARDEN CITY HERITAGE FOUNDATION (LGCHF) GARDEN CITY COLLECTION**

REPORT OF THE CULTURAL SERVICES MANAGER

EXECUTIVE MEMBER: CLLR TONY HUNTER

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

- 1.1 NHDC Museum Service wishes to transfer the ownership of those museum collections relating to Letchworth Garden City to the Letchworth Garden City Heritage Foundation (LGCHF) who have managed these collections on loan since 1984.

**2. RECOMMENDATIONS**

- 2.1 Approve the transfer of the museum collections relating to Letchworth Garden City, which are currently on loan to the Garden City Collection which is part of the Letchworth Garden City Heritage Foundation.
- 2.2 To approve the Service Director – Commercial (Delegation of Authority under the constitution, section 14.6.7 (a)(iii) and 14.6.7 (b)(v) to make the required arrangements for a formal transfer document to be drafted between North Hertfordshire District Council and the Letchworth Garden City Heritage Foundation.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 The aim of this transfer process is to ensure that the museum collections relating to the First Garden City, currently on loan to the Garden City Collection, remain under one ownership in museum conditions in Letchworth Garden City. This will enable streamlined access for visitors and researchers, and clarity for other institutions requesting loans and reproduction information. North Hertfordshire District Council, Museum Service has not insured, stored or curated this material for almost thirty five years, and does not have the resources to do so.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 North Hertfordshire District Council, Museum Service could continue to lend the material to the Garden City Collection, but accredited museums no longer make long term loans, so the continuation of this loan would be going against accepted museum best practice. This could damage future prospects of grant-aid to the new North Hertfordshire Museum, so is not advised.
- 4.2 The North Hertfordshire District Council, Museum Service could request return of these collections, but has nowhere to store or display them, or the staff capacity to curate them. The necessary storage facility would require at least 725 sq. m. floor space, assuming racking up to 2m high. It would need environmental controls, to ensure the stable relative humidity and temperature needed for the architectural plans and other works on paper.

The existing main store for North Hertfordshire District Council, Museum Service at Burymead is already full and cannot provide the controlled environment that the museum collections relating to Letchworth Garden City items currently enjoy. Storage in the old Letchworth and Hitchin Museums is not an option without major upgrade work. If these collections were returned, the Council would have to find and pay for new high-quality storage, ideally in Letchworth Garden City. Because of the importance of the material to town-planning worldwide, the Garden City Collection receives a large number of enquiries, and currently employs 2 full-time Collection Officers and one approximately 30 hour Curator to manage the collection. NHDC would need similar staff.

- 4.3 North Hertfordshire District Council are unable to consider the sale of these collections as this would be a major breach of the Museums Association Code of Ethics which could result in immediate removal of the museum's accreditation status. A further implication of pursuing a sale would be that the staff would be denied the opportunity of bidding for museum-related grant-aid from the Heritage Lottery Fund, Arts Council England or the Art Fund.

Over the last few years the Museum Service has been extremely successful in winning large amounts of grant aid, for the purchase of objects, and for members of staff, as well as many smaller grants. These external grants would not have been available to a museum without accreditation status.

Any sale would result in a huge amount of national negative publicity for NHDC; particularly with social media campaigns.

- 4.4 The collection comprises thousands of individual plans and press-cuttings of relatively low value; there is not one particularly highly priced item, so there is little for NHDC to gain by requesting the return of all or part of the collection for possible sale, in the full knowledge of the negative consequences. The value of the collection is estimated at just under £300,000.

## **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

Consultation was undertaken in January 2006 with the Arts, Museums and Heritage Forum, and more recently in May 2018 with the committee of the Letchworth Garden City Society. Neither group raised any objections; the Garden City Society said that it would like to see the Garden City material held, and ideally displayed, in Letchworth Garden City. As one committee member put it, ‘...it makes sense to bring material together in one location and under one ownership.’ The Society could see no reason for NHDC not to transfer these collections.

## **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

## **7. BACKGROUND**

- 7.1 In 1984 the Letchworth Garden City Corporation, now the Letchworth Garden City Heritage Foundation, took over the running of the First Garden City Heritage Museum (FGCHM) from NHDC. The museum collections relating to Letchworth Garden City were transferred from NHDC to the Corporation on long-term loan. Since then the Heritage Foundation has upgraded the storage and conservation of these items, and insured and digitised them along with their own collections. The museum collections are now housed at the Garden City Collection, Wilbury Hills Road, Letchworth Garden City, Hertfordshire, SG6 4LB.

<http://www.gardencitycollection.com/home>

For over thirty years the Heritage Foundation has looked after these collections as if they were their own, thus saving NHDC storage space, insurance and curatorial and administrative staffing costs. The NHDC loan collections total is around 30,000 items. These comprise 11,000 architectural plans, drawings, prints, paintings and social history items; 120 artworks; 800 objects; plus another approx.18,000 photographs and newspaper cuttings.

The total value of the loan in 2017 was £293,600. The majority of the items (around 18,000) are valued at under £5 each, with approximately 12,000 items valued at between £15 and £30 an item. The few higher value items comprise 11 items of furniture from Barry Parker's office, which range from £500 to a chair at £8000 (2017 valuation). Architect Barry Parker was, together with Raymond Unwin, one of the Garden City's original planners. The collection is stored in high-quality purpose-built racks, cupboards and plan chests, in the correct environmental conditions. Many have been conserved with the costs being met by the Heritage Foundation.

7.2 Long-term loans are no longer good practice in museums, so in 2012 the North Hertfordshire Museum Service issued the Heritage Foundation with a new museum standard loan agreement. The loan end/review date is noted as 1/07/2017 or on the Accreditation of the Garden City Collection, whichever was the earlier. The Garden City Collection has now gained Arts Council England Museum Accreditation, so North Hertfordshire Museum would be able to transfer these items without jeopardising its own accreditation status.

7.3 A transfer should have due regard to the Arts Council England *Disposal Toolkit Guidelines for Museums*, p.16, which recommends free gift or transfer to another Accredited museum as the preferred method of disposal, 'as it is the most likely to ensure that items remain cared for and accessible to the public. This approach has been central to the longstanding tradition of mutual cooperation between museums.' <https://www.artscouncil.org.uk/supporting-museums/disposal-collections>

7.4 A transfer should also have regard for the Museums Association *Code of Ethics*, which demands that museums are able to give 'continuing long-term care and public access' to their collections, 'without compromising standards of care and access relating to the existing collections' (2.3). The Garden City Heritage Foundation is currently fulfilling this requirement on behalf of NHDC.

## **8. RELEVANT CONSIDERATIONS**

8.1 These collections, which are crucial in the understanding of the foundation and development of the world's first Garden City, are best housed within Letchworth Garden City in perpetuity (apart from temporary loans to other museums for exhibition purposes). The North Hertfordshire District Council, Museum Service no longer has a site in Letchworth Garden City, or the staff to curate the collections.

8.2 The collection comprises approximately 30,000 items, over half of which are social history ephemera such as photographs and newspaper cuttings. The exact number of these items is not known, as there are several different lists/inventories. It may take some years before a definitive list can be agreed by both parties, as each museum has its own lists, and these often overlap. However, staff at both museums are working together to agree a final list and this will be acceptable to Arts Council England for the purposes of Museums Accreditation.

- 8.3 If a transfer takes place, and the Garden City Collection becomes the legal owner of the material, the fact that it is an Accredited Museum gives NHDC the reassurance that the transferred items will be managed in a correct and open manner. Our records show that the vast majority of items were accessioned by Letchworth Museum as gifts or purchases. Donors do not have a legal right to have their gifts returned although donors or their families are always at liberty to ask for the return of donated items, but the Arts Council Disposal Guidelines are drafted to ensure that such return does not happen. A few items are catalogued as 'On Loan to the museum service, but in almost all cases, the lender has since died. There is always a possibility of a lender's family requesting return of a loan, and this situation would be dealt with the same way whichever museum was the owner. If a family can prove continued ownership, through wills or similar documentation, the loan is returned.
- 8.4 There is no noted evidence that any of the items proposed for transfer was purchased via an external grant-aid.

## **9. LEGAL IMPLICATIONS**

- 9.1 Section 5.6.28 of the constitution notes the Terms of Reference for Cabinet and provides the authority to make decisions where a policy or strategy does not exist.
- 9.2 The Public Libraries and Museums Act 1964 provides local authorities with the power to maintain museums. Note that the 1964 Act does not impose any duty upon local authorities to run museums.

Section 111(1), Local Government Act 1972 provides the local authority with wide powers to do anything; including purchasing and disposing of property, which will help them carry out their functions.

Section 139, Local Government Act 1972 provides the local authority with general powers to accept, hold and administer gifts of property. It is noted that acceptance, holding and administering gifts can be justified where it is 'for the benefit of the inhabitants of the local area.

Section 2, Local Government Act 2000 provides for the economic, social and environmental well-being of local communities.

Equality Act 2010 – Local authority museums will need to consider whether the disposal of any item adversely impacts upon those groups with protected characteristics. The retention of the item/s in the public domain will serve to mitigate any adverse impact.

The Arts Council England's Accreditation Scheme places significant restrictions on local authority decision making. It places restrictions on any attempts by museums to sell items from their collections, even where the proceeds of such sales would be used to improve facilities or collections and/or to acquire new items. Failure to adhere to the conditions of the Accreditation Scheme could result in the removal of the accreditation.

9.3 The following comments are to be noted and taken into consideration:

- a) A formal transfer document to be drawn up and agreed between both parties (refer to prior loan agreement and note that it is to be terminated)
- b) Agree cost, responsibility for transport of museum items.
- c) Where possible compile a definitive inventory of museum items already in situ and any additional items that are being transferred. This can include online records and photographic records. It is noted that currently there are a number of database's which hold inventories of the collections.
- d) NHDC may wish to impose a condition on the transfer so that LGCHF upon request returns any item to the rightful owner. Hence the need for accurate records at the time of disposal.
- e) The appropriate consideration should be given to any item that proves to be unfit for retention as part of this proposal and should be disposed of in a way that prevents it from being rediscovered and mistakenly reinterpreted.
- f) Note the guidance for disposal contained within the Museums Association's Code of Ethics and Disposals Toolkit. The Museums Association (MA) expects all museums and museums governing bodies to abide by the MA Code of Ethics. Where a museum is found to have breached the Code through unethical sale from its collection, it will be barred from membership of the MA and will not be able to apply for funding from the MA for the duration of its loss of membership.
- g) The Code of Ethics and Accreditation make it clear that whilst financially-motivated sale from collections might be ethical under rare and exceptional circumstances, this must be determined on a case-by-case basis under the independent oversight of the Museums Association Ethics Committee and Arts Council England's national Accreditation Panel. The overriding expectation in all cases of disposal is that collections should remain in the public domain.
- h) Organisations that choose to act outside of the widely adopted standards for managing and caring for public collections will find that it has a direct impact on their relationships with development bodies and funders and the ability to access support, e.g Arts Council England can remove Accreditation from the museums in question and this will affect the ability to access Arts Council England museum funding.
- i) Therefore having regard for the above mentioned paragraphs f, g and h, NHDC should note within the transfer that the high value items must not be sold as the preservation of the District's heritage is paramount.
- j) Consideration is also to be given to the Collections Trust; Spectrum collection management standard (supported using public funding by the Arts Council England and is a supplement to the Museums Association Disposal Toolkit). The Spectrum standards must be met and the deaccessioning and disposal – suggested procedure is a useful starting point in order that the minimum requirements of the standards are achieved.
- k) The disposal process is to be carried out in an open and transparent manner – consideration to be given with regards to placing notices in local newspapers and the NHDC website in order to keep the public informed and maintain public trust.
- l) Ascertain whether any items of the transfer were acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant should be followed. This may include repayment of the original grant or a proportion of the proceeds if the item is disposed of by sale.

- m) Items given or bequeathed will not normally be disposed of without prior consultation with the original donors or their families within the first generation, and wherever possible their approval should be obtained to the course of action proposed. This is, however, a matter of courtesy rather than a legal requirement and therefore can be waived where all reasonable efforts to trace a donor have failed, and additionally where no details of the donor exist. A press release could be considered if necessary.
- n) LGCHF to ensure that the collections remain in the public domain, keep the transferred items in a good state of repair and maintain an up to date inventory.
- o) The Museum Association provides confidential advice on transfers of museum collections and the published contact is noted as Alistair Brown, Policy Officer – [alistair@museumsassociation.org](mailto:alistair@museumsassociation.org)

## **10. FINANCIAL IMPLICATIONS**

- 10.1 Section 12.8 of the financial regulations deals with the disposal of any assets that are no longer required for service use. The key elements of the process that should be followed are:
- Check with other service areas to see if they have a use for the asset.
  - Where the estimated value is less than £2,500, the Chief Finance Officer should be notified.
  - Where the estimated value is greater than £2,500, approval must be sought from the Chief Finance Officer.
  - If the value is estimated to be more than £5,000 then the disposal should be via a public auction

In essence these assets are being retained in service use, as they will continue to be conserved and be available for viewing and enquiries. Accordingly there is a strong argument to say that these should not apply, but it is still necessary to consider how they could apply. Whilst it is a key factor, initially this should ignore the potential impacts on the accreditation status.

The total valuation of £300k is an insurance valuation and the actual amount that would be received from a sale would be expected to be less than this. Furthermore, the Cultural Services Manager does not consider there would be any individual or organisation that would want to buy the entire collection. So even if the collection was to be sold, it would need to be treated as a large number of individual items. As stated in paragraph 7.1, the vast majority of the items are of a low value. For most of these the cost of selling these items might be higher than the actual income generated. For the remainder, the Financial Regulations do not state how they should be disposed of, and therefore the benefits of a transfer to the LGCHF can be considered to be relevant. The Chief Finance Officer has therefore confirmed that those items that have an individual value of less than £2,500 can be transferred to the LGCHF for zero consideration and that this would be in accordance with the financial regulations.

As stated in paragraph 7.1, there are a few items that are valued at more than £2,500, and three at more than £5,000 (the highest individual item is a chair valued at £8000). The purpose of selling high value items via a public auction is to ensure that the Council achieves best value from the sale. To balance the benefits of these assets being held by LGCHF and the risk around not achieving best value if they were to subsequently dispose of them, the terms of the transfer will include a clause that if the LGCHF seek to sell these items then ownership will revert back to NHDC. The Chief Finance Officer considers that this would comply with the financial regulations.

- 10.2 Keeping the collection would require additional storage and possibly the use of new premises which could incur capital costs such as the purchase of a building and storage equipment.
- 10.3 There is a potential loss of income of £300,000 from the sales of the collection. However, as mentioned in the body of the report this would have a negative effect on the reputation and accreditation of the Museum.

## **11. RISK IMPLICATIONS**

- 11.1 The recommended legal transfer of the Garden City museum collections from NHDC to the Letchworth Garden City Heritage Foundation provides the opportunity for the collections to remain in Letchworth Garden City with continuing long-term care and public access, whilst allowing North Hertfordshire Museum to maintain its Accreditation status and the related funding opportunities.
- 11.2 The potential issues associated with establishing a definitive list of items and with 'on loan' items are low risk, especially compared with the benefits of completing the transfer to the Letchworth Garden City Heritage Foundation and the higher risks associated with pursuing one of the alternative options.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no equalities implications.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and "go local" policy do not apply to this report.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 There are no human resources implications.



**15. APPENDICES**

15.1 There are no appendices.

**16. CONTACT OFFICERS**

16.1 Ros Allwood Cultural Services manager  
[ros.allwood@north-herts.gov.uk](mailto:ros.allwood@north-herts.gov.uk); Ext 4236

Yvette Roberts, Legal Officer  
[yvette.roberts@north-herts.gov.uk](mailto:yvette.roberts@north-herts.gov.uk) Ext 4310

Tim Everitt, Performance and Risk Officer  
[Tim.everitt@north-herts.gov.uk](mailto:Tim.everitt@north-herts.gov.uk) Ext 4646

Shah Mohammed, Group Accountant  
[Shah.mohammed@north-herts.gov.uk](mailto:Shah.mohammed@north-herts.gov.uk) Ext 4240

Reuben Ayavoo Equalities Officer  
[Reuben.ayavoo@north-herts.gov.uk](mailto:Reuben.ayavoo@north-herts.gov.uk) Ext 4212

Kerry Shorrocks, Corporate Human Resources Manager  
[Kerry.shorrocks@north-herts.gov.uk](mailto:Kerry.shorrocks@north-herts.gov.uk) Ext 4224

**17. BACKGROUND PAPERS**

Long term loan from Letchworth Museum & Art Gallery to the First Garden City Heritage Museum (collection now known as The Garden City Collection)  
[G:\Museum Service\Museums - General\Collections Management\Loans\Loans Out\long term Heritage Museum loan\NHerts Museums long term loan with FGCHM - background 2016 - Shortcut.Ink](#)