

* PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.  <div style="text-align: center; font-size: 2em; font-weight: bold;">13</div>

## **TITLE OF REPORT: FUTURE OF MUSEUMS SERVICES**

REPORT OF THE HEADS OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES  
AND FINANCIAL SERVICES ON BEHALF OF THE PROJECT EXECUTIVE

PORTFOLIO HOLDERS : COUNCILLORS TRICIA GIBBS AND TERRY HONE

### **1. SUMMARY**

- 1.1 The purpose of this report is to provide Cabinet with relevant information on a proposal to change the timescale for the closure of a museum as envisaged in the Museums FSR in order to provide additional potential efficiencies to help produce a balanced budget for 2009/10.
- 1.2 Cabinet is asked to note that whilst a proposal to close the budget gap has been made in the budget report elsewhere in your agenda, which assumes the closure of Letchworth Museum, this is subject to Cabinet's decision on that matter.
- 1.3 This joint report has been prepared for the 'Project Executive', to provide Cabinet with sufficient information to inform any decision on the timing of closure. It must be stressed, however, that whilst care has been taken in compiling the report, the short time available to produce it does mean that consultation with stakeholders and a very detailed operational and financial analysis have not been carried out.

### **2. FORWARD PLAN**

- 2.1 This report contains a recommendation on a key decision that the Leader of the Council considers to be urgent. It was not possible to notify the public by including it in the Forward Plan in order to bring forward a proposal to create additional efficiencies to assist in setting a balanced budget for 2009/10. The Chairman of the Scrutiny Committee has agreed that consideration of the key decision cannot be deferred.

### **3. BACKGROUND**

- 3.1 The 29<sup>th</sup> July 2004 meeting of the Performance, Audit & Review Committee  
RESOLVED:

(1) That the proposal to undertake a 'fast track' Fundamental Service Review of the North Hertfordshire Museums Service be agreed.

(2) That the Scope Document for the Fundamental Service Review of the North Hertfordshire Museums Service be agreed.

(3) That officers be requested to present the results of this Fundamental service Review to the meeting of the Performance, Audit and Review Committee to be held on 7 April 2005.

3.2 The findings of the Review of The North Herts Museums Service were reported to the 28<sup>th</sup> July 2005 meeting of PARC, which resolved:

- (1) That the proposals made in the review for the future of the North Hertfordshire Heritage and Cultural Service as presented at Appendix A to the report be endorsed;
- (2) That the Strategy and Community Services Manager be requested to ensure that the role and participation of stakeholders is included in the Improvement plan for the North Hertfordshire Heritage and Cultural Service.

***RECOMMENDED TO CABINET:***

- (1) That the proposals made in the review for the future of the North Hertfordshire Heritage and Cultural Service as presented at Appendix A to the report be approved;
- (2) That the implementations of the findings of the review of the North Hertfordshire Heritage and Cultural Service be managed by a project board and that the PRINCE 2 methodology be used.

3.3 Cabinet received this referral at its 23<sup>rd</sup> August 2005 meeting and resolved:

That the Improvement Plan developed by the Review be deemed acceptable and that the following activities be undertaken in order to implement it:

1. A detailed costed scheme proposal and timetable be developed, complete with funding options so that the scheme can be included in the capital programme at a future date;
2. That Officers enter into consultation with the Letchworth Garden City Heritage Foundation to look at the possibility of partnership working for the provision of museums, arts and storage within Letchworth Garden City;
3. That Officers contact district wide voluntary museums, heritage and arts providers to establish more detailed communication and development plans;
4. That a project board be established and PRINCE 2 methodology be used for the development of a business case for the Capital Works projects identified within the Improvement Plan;
5. The possibility of securing external funding to support the implementation of parts of the Improvement Plan be investigated further;
6. That all Area Committees be consulted in formulating and recommending proposals.

- 3.4 The report to Cabinet on 23<sup>rd</sup> August 2005 also concluded within its Improvement Plan the following actions:

**Table 1**

Action Required	Financial Cost and Funding Source	Timescales
Develop plans for one front of house gallery, museums and community venue in a town centre location	Total cost is estimated to be £5m.	5 years to complete
Improve storage, workshop and research facility	Total project cost is estimated to be £1m.	2 years to complete

- 3.5 The FSR indicated that a proportion of these costs would be offset by capital receipts from the disposal of some or all of the Council's three main museums services sites.
- 3.6 Subsequent to this, a Project Board has been established to progress the implementation plan. The Project Board has established a Project Plan, the key elements of which are:

**Table 2**

Action	Progress/Timescale
Preparation of Arts Museums and Heritage Strategy	Completed July 2007
Development of Collections Centre	November 2011
Establishment of new/refurbished Museum for North Herts	October 2013
Closure of one of current NHDC Museums	October 2013

The scheduling of the above was developed from the timescale originally set out in the Action Plan from the FSR. This timescale was designed to allow for the collection centre to receive the collections from both Burymead and any items from either Hitchin or Letchworth Museums following the establishment of a new/refurbishment museum for North Hertfordshire.

- 3.7 Work has since progressed on the development of a Business Case for a new Collections Centre, though in recent months this has been somewhat slowed down in view of the need to review the necessary levels of investment of resources to carry out the works.
- 3.8 As a result of the recent and significant impact of the reductions in interest rates and the consequent loss of income to the Council, a number of additional proposals were quickly produced including a major reassessment of the timing to bring forward the closure of a museum as envisaged within the Museums FSR implementation plan was suggested as an efficiency to help bridge the budget gap.
- 3.9 This report therefore sets out a rationale for the changes for which Cabinet decision is sought. If minded to proceed, Cabinet is asked to recommend as part of the Corporate

Business Planning Process for 2009/10 to Council to agree a change in the hitherto agreed programme of the Project Board with regard to the implementation of the Museums FSR

#### **4. KEY ISSUES**

- 4.1 In order to bring forth the closure of Letchworth Museum, Cabinet is asked to consider the key interdependent elements as set out below.

##### **Closure Of Letchworth Museum In 2009/10**

- 4.2 In order to help meet the additional savings required for the 2009/10 Business Planning Process, the closure of the Letchworth Museum is being considered as an option.
- 4.3 The rationale for the closure of the Letchworth Museum is the preference for a strategic balance of museum facilities across the District as set out in the original FSR. The Letchworth Garden City Heritage Foundation has previously confirmed that it would wish to establish a new/refurbished museum in Letchworth and there are already existing museum facilities in Hitchin, Royston and Baldock.
- 4.4 Given the distribution of these museums, it is further proposed that a new Collections Centre should be located in Letchworth, while a new/refurbished museum for North Herts is proposed for Hitchin (see below).
- 4.5 Notwithstanding this, the closure of a museum is a hugely complex operation as the Council still has the responsibility for the maintenance and upkeep of the exhibits and collections, even though the museum may not be open to the public. It is evident that there are significant risks to any proposed closure, as set out below.
- 4.6 In the original FSR scheme, the closure of one museum would have been implemented once the refurbishment works for the main North Hertfordshire Museum and the Collections Centre had been completed (see Table 2 above). This would then have allowed a relatively straightforward transfer of museum assets.
- 4.7 With the current proposal, though the Letchworth Museum could be closed to the public from 1 April 2009 and some initial savings made, curatorial staff will have to be retained to look after the collections, while the heating and alarms will need to be kept on to secure the 80 sq. m. secure environmentally-controlled storage, containing 750 artworks, 800 items of costume and costume accessories, and 300 items of ceramic and glass.
- 4.8 One alternative might be to transfer the collections from the Letchworth Museum. However, it is apparent that the Council does not have sufficient space or appropriate temperature controlled environments of its own, so that specialist storage at additional costs would need to be identified.
- 4.9 It is apparent that over time, a number of artworks at Letchworth Museum have been purchased with grant-aid totalling over £40,000. Most grant funds have strict conditions about works which they have helped purchase. For example, paintings cannot be lent to non accredited museums, and it is not clear whether the funders would allow them to go to Hitchin Museum unless a new NHDC museum was definite. If the works are sold, NHDC will have to return 'a proportion equal to the percentage of the grant from any monies received or the original sum (whichever is

the greater) as set out in the V&A/MLA Purchase Grant Regulations. Many of the artworks have risen considerably in value since purchase, so it is estimated that the figure of £40,000 in many cases could be three times this figure.

- 4.10 If any of the collections are to be disposed of, museum staff will need to ascertain NHDC's right to the legal title of each object. Loans have to return to the original lender, or their descendants. Items acquired by bequest have legal conditions which restrict disposal. This is a significant amount of work requiring curatorial and administrative input, and this could take up to two years to complete. Current guidance is that items should ideally be transferred to another Accredited Museum. Failing this, in order, transfer to another institution within the public domain, return to original donor, sale to an Accredited museum, transfer outside the public domain, sale, recycling, destruction.
- 4.11 The workshop for North Hertfordshire Museum service is located at Letchworth Museum. If Letchworth Museum were to close to the public, but open for essential staff, the workshop could be retained, but if it was to close completely, alternative workshop facilities would need to be found in the short term. Workshop facilities have been factored into the design of the new Collections Centre.
- 4.12 Letchworth Museum has scheduled temporary exhibitions up to the end of 2010. Many of these have signed contracts. The artists and lenders will need to be contacted if the museum is to close. Many of these exhibitions also have planned events and activities, such as Gifted & Talented project with Fearnhill School this autumn, which will also have to be cancelled. It has not been possible to quantify any costs arising from such cancellations at this stage.
- 4.13 The closure of Letchworth Museum will have a negative impact upon the performance of the authority as its user figures contribute to the relevant Best Value Performance Indicators collected by the Council. There are three local indicators for this service (BV170a, b and c) which relate to public usage and in particular school pupils visiting museums. With regard to the Corporate Plan, the Council is currently performing at a second quartile, above average level. Reducing these figures is likely to move NHDC performance into a lower quartile on these specifically and potentially on the wider corporate Performance.
- 4.14 If Letchworth Museum were to close, the museum will lose its Accreditation status. The significance of having Accredited Status is that any application for Heritage Lottery Funding (HLF) is a much greater possibility, though not guaranteed. Losing Accreditation status could impact upon any potential application for Heritage Lottery Funding for the proposed Collections Centre or new museum for North Hertfordshire.
- 4.15 However, following consultation with the Museums, Libraries and Archives Council, it is apparent that the Hitchin Museum would retain its accreditation.

#### **Development Of A New Collections Centre In Letchworth**

- 4.16 Work on the provision of a Collections Centre commenced in May 2007 and following substantial consultation with users and partners through a dedicated Working Group, an Outline Business Case was presented to the Museums Project Board on 5<sup>th</sup> March 2008.

- 4.17 The Business Case set out a clear vision, purpose and function for a new Collections Centre to replace the existing store at Burymead, Hitchin. The Business Case provides the justification for the transformation of the current museum resource facilities and will presage a new partnership approach to be made for external funding from the Heritage Lottery Fund.
- 4.18 The Collections Centre would provide a resource centre for all the museums in North Herts (the Heritage Foundation, Royston, Ashwell and Baldock) and could feature greatly improved storage conditions plus visitor education and interpretation, research and café facilities.
- 4.19 The Collections Centre could also host the Council's archive and reprographic functions, though the detailed costs and full implications have yet to be concluded.
- 4.20 The Business Case identified a number of alternative options for the location of a new Collections Centre. However, the preferred option is for a Collections Centre to be sited in Letchworth in an existing premises which can offer the space and flexibility to secure all elements of the Centre specification.
- 4.21 However, the development of a Collections Centre cannot be seen in isolation of the improvements needed for 'front end' exhibition space, which the FSR established is required to be provided through a town centre District Museum.
- 4.22 The Letchworth Garden City Heritage Foundation (LGCHF) originally expressed its broad support for the implementation of the Museums Review as far back as 2005. It recently reaffirmed its enthusiasm and willingness to work in partnership with the Council to develop a Collections Centre in Letchworth. Discussions will also take place on the re-allocation of the current collections held on loan from the Council and also those currently managed at the Council's Museum.

#### **North Hertfordshire District Museum**

- 4.23 The Museums FSR did not specify in which town centre a North Hertfordshire Museum should be established. Since then there has been some debate about the most appropriate town and siting, though to date this has been inconclusive.
- 4.24 However, in the light of the present financial constraints, a proposal that the main museum for North Hertfordshire should be located at a town centre site in Hitchin was made to the Project Board at its meeting on 22nd January 2009.

The rationale for this is based on the Council's desire to see a strategically balanced distribution of museums services. Furthermore, this would support one of the Council's immediate priorities of 'Town Centres'.

- 4.25 Though a specific site for a museum in Hitchin town centre has not yet been confirmed, there are several possibilities, including a refurbishment of the existing premises. Nevertheless, the preferred option is to convert part of the Hitchin Town Hall site to a museum, whilst at the same time retaining elements for general community use.
- 4.26 In broad terms, the footprint of the Hitchin Town Hall would easily accommodate the required exhibition and display space, and as a museum refurbishment, would qualify for potential HLF funding. This work could also be extended to the general physical structural improvements of the main hall, which would then be enhanced to encourage

greater community use. This concept has been raised by the Development Trusts Association (DTA), the external consultants working with the Council, during discussions on the future of the Hitchin Town Hall, where external funding opportunities have been examined.

- 4.27 This option would not only also help the Council resolve the long standing issue of the future of the Town Hall in terms of the capital refurbishment, but over time would realise an additional £30k net revenue savings.
- 4.28 Clearly there is a significant amount of work to be carried out, so a Feasibility Study is proposed. As part of this, a Museums Facilities Working Group would be established to consider in detail the location, form and function of the museum exhibition and the relationship to other uses and spaces.
- 4.29 The financial appraisal of the different elements of the overall museums programme are set out in section 6 below.

### **Implementation Options**

- 4.30 The proposal to close the Letchworth Museum for the financial year 2009/10 would change the original project plan timeline for the museums FSR. As a result two options can be considered for the further implementation of the improvements to the museums service.

#### **Option 1**

Develop the Collections Centre, then complete the refurbishment of the Hitchin Town Hall to be the North Herts Museum

This reflects the present Project Plan which indicates that the Collections Centre should be completed prior to a new/refurbished museum for North Herts. For both these schemes, external funding would need to be secured for the capital works.

#### **Option 2**

Develop the Hitchin Town Hall to be the North Herts Museum, then complete a smaller Collections Centre

This alternative approach is driven very much by cost differentials and also the potential for generating the necessary inward investment. There is also a public perception that a front line museum provision would be of greater benefit than a resource or collections centre.

- 4.31 As referenced above, if the Letchworth Museum was closed, then it would lose its Accredited Status and any application to the HLF for grant funding by North Herts District Council would be seriously compromised. To continue with the Collections Centre as originally proposed may therefore require a greater call on Council capital resources.
- 4.32 However, given that the Hitchin Museum would retain its Accredited Status, then any HLF application for a new/refurbished museum in Hitchin, would probably have a better chance of success. Though, as ever with grant funding applications, this is very much

dependent upon the quality of the application, rival bids and the amount of funds available.

- 4.33 If Members decide to proceed with the closure of Letchworth Museum, Option 2 suggests that the priority should be the development of a new district-wide museum to be located in Hitchin. A new Collections Centre, most likely to be in Letchworth would still be considered, but this would likely to be on a smaller scale as this would be less likely to secure the higher levels of external funding. This option would also require the Council to consider its collection policies and in a structured way work towards rationalising this to make future maintenance of the collection more cost effective.

## **5. LEGAL IMPLICATIONS**

### **Procedural issues**

- 5.1 Cabinet has responsibility for developing the strategy of the Council for leisure, sports, recreation and the arts. Any strategic decision relating to the museums falls within its jurisdiction.
- 5.2 Cabinet additionally has overall responsibility for implementing Council policy and service delivery to the public so, taken together with its strategic role, it can endorse a decision for early closure of the Letchworth Museum. However, as this decision has budget implications it is necessary for the Cabinet to refer this decision for approval by Council (Schedule 4 Functions and Responsibilities Regulations 2000).
- 5.3 Urgent business may be dealt with by the executive provided that certain rules are met. For key decisions, such as this, agreement that the business is urgent and cannot be deferred needs to be obtained from the Chair of the Scrutiny Committee. This has been obtained.

### **Land ownership issues**

- 5.4 The main part of the Letchworth Museum was transferred to Letchworth UDC in 1955. It is subject to a restriction to use it only for the purpose of a public museum with curator's flat or other purposes of the Public Libraries Acts 1892-1919 or for any other purpose to which the relevant Minister may consent. This is now held freehold by the Council, though the upper parts of the Museum fly over the library. The Council currently holds user rights for the flying floors of the district museum. A 10 foot sliver of land to the southern side of the museum was transferred with the freehold which contains a restriction to use that land as a place of worship, school mission hall, presbytery or dwelling house. In addition a visual inspection of the library appears to demonstrate that the children's library and large print section seems to lie behind the museum on land conveyed for the museum.
- 5.5 Therefore, the matters to be overcome if the building were to be sold are as follows:
- 5.5.1 The extended upper parts over the library would require the building to be sold together with the library or else would require the use of the flying freehold to be put on a more formal basis (an agreement with HCC for cross covenants);
- 5.5.2 Removal of the restrictive covenants on the building is possible but would require an application to the Lands Tribunal. Removal of the covenants may be justified if it can

be shown that the covenants are obsolete or would impede reasonable use of the building but compensation may be ordered.

- 5.5.3 The occupation of the museum land by the library would have to be dealt with either by transfer of that part of the land to HCC or by asking HCC to decant the museum land.

### **Museum Accreditation Scheme**

- 5.6 The Museum Accreditation Scheme is a registration scheme for museums and galleries which requires those museums to meet minimum standards in management, user services, visitor facilities and collection management. The core benefit in being accepted into the scheme is the eligibility it gives for grant funding and awards. There are very definite rules which govern acquisition, retention and disposal of collections which have some similarity to rules relating to holding of property on trust. These rules can be found in the 'Accreditation Standard' document issued by the Museums Libraries and Archives Council.
- 5.7 None of the current collections held by the Letchworth Museum are believed to be held under a specific trust. Bequests (gifts made by will) are not held to be made on trust and therefore only moral and not legal obligations will apply to these gifts. The Museums Association Guidelines on Disposal would need to be followed.

### **Hitchin Town Hall**

- 5.8 Under the terms of the conveyance (which passed the gymnasium within the Hitchin Town Hall to the former Hitchin UDC) it states that any future use of the gymnasium must be for use as a gym *or for other purposes mentioned in s6(3) Museums and Gymnasiums Act 1891* and also for any other (charitable) purpose for the benefit of the North Herts District. The Museums and Gymnasiums Act 1891 has been replaced by the Public Libraries and Museums Act 1964 and the Local Government (Miscellaneous Provisions) Act 1976. Broadly, there are powers in these two Acts for local authorities to provide recreational facilities, museums and art galleries. The trusts relating to Hitchin Town Hall are therefore ideally suited for its use as a museum. Accreditation would be sought for a new museum at the Hitchin Town Hall.

## **6. FINANCIAL AND RISK IMPLICATIONS**

- 6.1 Following the reduction of interest rates on 8<sup>th</sup> January 2009 Councils budget gap increased by a further £200k to £620k. The revenue efficiency following the closure of the Letchworth Museum is estimated to be £50k in 2009/10. Given the expected delay before a new collection centre or museum is ready, it is not expected that any further revenue efficiencies can be made until approximately 2011/12. An allowance for the risk that the full year's saving in 2009/10 may not be achieved has been incorporated into the estimated general fund balance as part of the financial risk analysis.
- 6.2 A provisional sum of £3.5million has been proposed for the capital programme beginning 2009/10 in anticipation of a decision on the rescheduling options presented in this report. This is based on an anticipation of approximately £2million funding from third party grants with the remainder being funded by NHDC capital receipts.

The Business Case for the Collections Centre has identified two potential sources of third party funding towards the estimated cost of between £3million and £3.75million for conversion of an existing building in, Letchworth or £4.5million for a new build.

A Business Case for a North Hertfordshire Museum facility has not yet been prepared, but the cost to convert Hitchin Town Hall is estimated to be between £2.25million and £2.5million and it is anticipated an application for £1million from the Heritage Lottery fund will be made. In compliance with Lottery funding rules, if the amount requested is below £1m, then any submission will be evaluated by the East of England Committee. Any application of more than £1m will have to compete on a national basis.

- 6.3 It would not be cost-effective to part-convert a building for a Collections Centre in Letchworth if other partners were not included in the scheme but there might be build savings by not equipping the site for their purposes. Efficiency gains from sharing the facility's running costs will not be realised if the centre is used exclusively for NHDC's purpose.
- 6.4 A Feasibility Study for the North Hertfordshire Museum facility would be prepared and will include a Business Case, in which it is anticipated that an application will be made to the Heritage Lottery Fund. In compliance with Lottery funding rules, if the amount requested is below £1m, then any submission will be evaluated by the East of England Committee. Any application of more than £1m will have to compete on a national basis.
- 6.5 The feasibility study will evaluate the suitability of conversion to a museum facility together with an options appraisal of both capital and revenue costs. It is further anticipated that the feasibility study will require the engagement of specialist museums technical advisors to assist with detailed designs and costs.
- 6.6 In terms of revised timescales, if the Council took the decision to fund the development of a new/refurbished museum in Hitchin (without bidding for additional funds) the estimated time required would be 2 - 3 years time. This would suggest a completion in 2011/12 or 2012/13.
- 6.7 Assuming the improvements to the Town Hall can be completed in this timescale, it would allow for the full savings from the closure of the Letchworth Museum to be realised in the financial year 2011/12. Preliminary calculations estimate a further efficiency of around £30k as a result of closing Hitchin Museum and providing a museum in the Town Hall.
- 6.8 Without a detailed feasibility study for the two options of a new North Hertfordshire Museum Facility at Hitchin Town Hall or a new Collections Centre in Letchworth, together with a concluding option appraisal, there are significant risks relating to either options in particular those relating to scheme costs, third party contributions and annual running costs of the completed project.

## **7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

- 7.1 Staff that are affected by the potential closure of Letchworth museum have already been informed.
- 7.2 The trade union have been informed and the proposal will be discussed more fully at the Trade Union Consultation meeting in January. Group consultation will continue with updates to the Staff Consultation Forum in February and March.
- 7.3 Affected staff will be invited to an individual consultation meeting with the Cultural Services Manager and HR representative.

- 7.4 Any compulsory redundancy will be managed sensitively in terms of consultation, advice and support in line with the Council's Reorganisation and Early Severance Policies. Human Resources will be on hand to offer appropriate advice and guidance to affected staff and managers.

## **8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 8.1 Because of time constraints it has not been possible to consult with Ward Members or Opposition spokespersons.
- 8.2 Further, it has not been possible to consult more widely with interested parties on the collection centre and the future of the North Hertfordshire District Museum through the Arts, Museums and Heritage Forum although that opportunity does arise on the 4<sup>th</sup> February 2009.
- 8.3 There has been consultation with the Letchworth Garden City Heritage Foundation to confirm its continued support for the overall programme.
- 8.4 The Museums Project Board has been consulted on the report.

## **9. RECOMMENDATIONS**

Cabinet is recommended to consider the content of this report and determine whether it wishes to proceed with either of the options all detailed in paragraph 4.30.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 To provide a potential efficiency to contribute towards savings required within the Corporate Business Planning process for 2009/10.

## **11. CONTACT OFFICERS**

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**13. BACKGROUND PAPERS**

- 13.1 Report to Cabinet 23<sup>rd</sup> August 2005 on the Findings of the Review of the North Herts Museums Services.
- 13.2 Draft Collections Centre Business Case submitted to the Museums Project Board, 5<sup>th</sup> March 2008.