

HERTFORDSHIRE COUNTY COUNCIL

**EDUCATION, LIBRARIES AND LOCALISM CABINET PANEL
TUESDAY, 5 JUNE 2018 AT 10:00AM**

**TO RECEIVE A PETITION FOR COUNCIL - TO SAVE HERTFORDSHIRE PUBLIC
ART COLLECTION**

Report of the Director of Resources

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Executive Member: Terry Douris, Executive Member for Education, Libraries &
Localism

1. Purpose of report

1.1 To inform the Education, Libraries and Localism Cabinet Panel of a Petition organised by Armaiti Bedford. The petition is titled 'Save Hertfordshire Public Art Collection'.

2. Procedure

2.1 The Council's Petitions Scheme provides that:

"Officers will prepare a Report for members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the Petition should be dealt with"

2.2 The Petitions Scheme further states:

"Following consideration of a Petition for Debate... the Panel can make a recommendation as follows:

- *refer the matter to Cabinet*
- *make a recommendation to officers as to how to respond to the petition*
- *request officers undertake further work and either liaise with the Local Member and relevant Executive Member before responding to the petition or bring the matter back to Panel*
- *Acknowledge the petition but recommend that no further action is taken."*

3. The Issues raised in the petition

3.1 An e-petition was raised via change.org website and attracted over 1,500 signatures, however a proportion of these signatures did not meet the County Council's guidelines that "*signatories to the petition should either be a resident in or work in Hertfordshire*". The number of signatures that did meet these guidelines amounted to over 250 enabling its presentation to Cabinet Panel.

3.2 The petition states that:

We want the Council to:

- *Make public the independent review of the Art Collection that it commissioned in 2016.*
- *Revoke the authority given to the Director of Resources to sell artworks.*
- *Seek alternative funding and management options for the Collection.*
- *Ensure the artworks are retained in Hertfordshire.*
- *Place the Collection in Trust for the benefit of current and future generations.*

4. Background

4.1 In November 2017, a report was presented to Cabinet Panel on the current position of [Hertfordshire County Council's Art Collection](#). The report went on to make recommendations for the collection's future management. The recommendations were designed to effectively look after and make more accessible a smaller more relevant collection, by reducing it to works that are directly relevant to Hertfordshire.

4.2 Hertfordshire County Council ("the County Council") has an Art Collection of 1,826 works, which is valued for insurance purposes at £26.2 million of which £21.85m is vested in just 4 items. There has been no resource to manage and provide access to most of the collection since 2012 and the works are at risk of deterioration.

4.3 The County Council has a responsibility to use these assets effectively but does not have a statutory duty to hold, display and conserve works of art. The current size of the collection and the lack of resource to properly manage it is a significant liability for the County Council, which could result in the works remaining in storage where conditions are not ideal and conservation needs are not addressed. Given the County Council is not best placed nor has the capacity to properly display and hold art, storing works of wider cultural value and out of necessity denying broader access to these works is not a sound position moving forward.

4.4 Cabinet agreed that the Director of Resources has the authority to dispose of items that are deemed to have little or no significance to Hertfordshire, after full consideration of the views expressed through the consultation process

with the Executive Member for Education, Libraries and Localism
[Hertfordshire County Council Cabinet minutes November 2017](#).

- 4.5 The mechanism for disposal would be through sale or gifting. Any proceeds from the sale would in the first instance be invested in the remaining collection, the conservation and potential move of the nationally significant sculptures. These sculptures are a liability due to conservation and security requirements. The Public Monuments and Sculptures Association, the Hepworth Estate and the Henry Moore Foundation have expressed concerns about the condition and public visibility of these nationally significant works.
- 4.6 In the medium to long term the County Council has identified up to 1,659 works for disposal, retaining a collection of 167 works. From the 1,659 works, disposal plans will not be developed for 471 items until ongoing work on provenance has been finalised. Therefore, at this stage 1,185 works are currently identified for disposal.
- 4.7 The disposal of 1,185 works is split into two phases. Firstly, the higher and medium value items and secondly the low value items. The consultation that took place earlier this year was on the first phase i.e. higher and medium value items. The second phase of 700 lower value works are to be offered to local interest groups and the public in Hertfordshire, later in the year. In addition, 53 lower value works, that have a distinct connection to local towns/villages, are to be offered to relevant Hertfordshire museums and galleries, by sale or gifting.

5. Collections

- 5.1 The Schools Loan Collection has 1,496 works and is insured for £1.2million, with 1,113 of the works in storage. There are a few works still out in schools, however many of these have been collected in recent months at the schools' request.
- 5.2 In the main the school's loan collection has been a handling collection, providing the opportunity to have direct contact with items, and therefore understandably works have undergone some damage and are likely to further depreciate moving forward due to inadequate storage facilities.
- 5.3 The Schools Loan Collection was suspended in 2012 after its use had reduced significantly and less than 20% of the collection was on loan at any one time.
- 5.4 The Corporate Collection has 330 works in 69 locations and is insured for £25m. The art in County Hall has an explicit cultural association with the county and its history. Works in Shire Hall and some schools, libraries and three museums are of national as well as local importance.

6. Art Consultant's Report

- 6.1 Matassa Toffolo Limited was commissioned to undertake a review of the art collections, in their role as a professional art and museum collections management company. Their brief was to provide information on the size, nature and condition of collection, to suggest recommendations and options for the future.
- 6.2 The consultants' 2016 comprehensive report provided a professional view of the collections, a specialism not available within the County Council. The report identifies the location, potential value and condition of large parts of the collection, parts of this information is commercially sensitive and could present a security risk for works, a redacted version which takes into account these concerns is available Appendix A.
- 6.3 The consultants did not identify within their report that the Schools Loan Collection in and of itself is of intrinsic value. In the past many councils have held art loan collections and over a period a number have been withdrawn, with works rationalised and disposed. Our current understanding on talking to other authorities is:
- Derbyshire County Council's School Loans Collection is expected to close on 31st July 2018 and all works will be de commissioned.
 - Cambridgeshire County Council closed their Schools Loan Collection and sold works through auction in May 2017. Money invested in Cambridge Culture Fund.
 - Essex County Council had a school loan collection that was closed over two years ago.
 - Leicestershire County Council's Creative Learning Services loans books and artefacts and provides consultation, advice and workshops. This is a tiered service charging from £1k to £12,500 per annum. The service has 18 staff.
- 6.4 In the county, North Hertfordshire District Council continues to deliver a school loan collection, accessible to schools in Hertfordshire and Bedfordshire for a subscription. It has been suggested that Hertfordshire should retain its collection because, as can be seen above, this is likely to be one of the last collection of its type in local authority ownership.
- 6.5 The consultant's report stated that:
'The SLC [School Loan Collection] contains a number of culturally significant works of art but many of the items are of little (or sometimes no) cultural worth or financial value. In addition, many works are in poor condition. The Corporate Collection items in schools, Shire Hall and elsewhere comprise a number of works of art which are of national as well as local importance. Works of art in County Hall have a high importance for the history of

Hertfordshire. With a couple of major exceptions, those in libraries are generally only of local relevance.'

'In more recent decades, the decision was taken to widen the scope of the [Schools Loan] collection to include items of lesser quality (sometimes multiple works by the same artists, e.g. numerous ceramics of very similar appearance by Thomas Plowman), works by local artists, worldwide ethnographical items, basketry, ceramics, textiles, costumes and taxidermy, apparently to fit with changing schools' curriculum needs.

It is unusual for a collection [School Loan Collection] to be 'traded down' in this manner rather than 'traded up', and the end result – apparently contrary the professed educational purpose of the collection – was a marked reduction in its overall quality.'

- 6.6 The consultants outlined a range of options for the future of the collections through their report; these were made according to the [Museums Association Code of Ethics](#) and included:
- reducing the number of items and retaining works of national, cultural and/or local importance;
 - establishing a complete list of what the County Council owns in schools and libraries;
 - establishing the legal ownership of certain items and groups of items;
 - transferring ownership to other bodies in the County;
 - establishing an independent trust for the management of the collections;
 - raising funds for the future management of the collection, not exclusively through sale but through a number of other options;
 - compiling a collections management policy for the collection, including cataloguing it properly and undertaking regular audits;
 - reducing current commercial insurance premiums for the collections by reviewing responsibility for many of the items listed in the Corporate Collection.
- 6.7 Many of these options were included within the recommendations to Panel and are being worked on currently, others are being further explored and are likely to be pursued further once the County Council has rationalised the collection.

7. Consultation

- 7.1 The County Council's art collections are not a statutory service provided through a Museum or Art Service, which the public have access to. The Schools Loan Collection was available solely to schools and their use of the collection had significantly declined. As a result, the consultation's purpose was not specifically to ascertain views on what level of collection the County Council should retain for the future.
- 7.2 The aim of the consultation that commenced in January 2018 for ten-weeks, was to provide the public and organisations the opportunity to comment

initially on 428 works included in the first phase of disposal, that they (the public and organisations) were most likely previously to be unaware that the County Council held. The primary objective was to assist in ensuring that works with a Hertfordshire connection had been correctly identified. It was also to raise awareness of this element of the collection and establish the demand for acquiring pieces to support the rationalisation of the collection. There was also the ability to provide general comments.

7.3 The consultation questions were as follows: -

Final survey questions:

- Do you want to comment on a particular piece of art work? Yes/No
- Please state the artist and title of the piece:
- Your comments (Max 1,000 characters). Please restrict your comments to your understanding of why the piece is relevant to Hertfordshire; or to state your interest in acquiring the art work.
- Do you want to comment on another particular piece of art work? Yes/No
- Please state the artist and title of the piece:
- Your comments (Max 1,000 characters). Please restrict your comments to your understanding of why the piece is relevant to Hertfordshire; or to state your interest in acquiring the art work.
- (Questions 5-20 as questions 3 & 4 above, giving people opportunity to comment on 8 further works.)
- Are you a Hertfordshire resident? Yes/No
- Are you representing an organisation? Yes/No
- Which organisation are you from?
- Is there anything else you'd like to add about any of the works being connected to Hertfordshire; or about acquiring any of the works? (Max 1,000 characters)
- If we want to contact you, can we have your details? Yes/No
- Your contact details: Name: Phone: email:

7.4 The consultation was undertaken through an e-survey on Hertfordshire.gov.uk, with access to images of all 428 works on Flickr.

7.5 The consultation was promoted through Hertfordshire Association of Cultural Officers (HACO), Hertfordshire Association of Museums and was advertised on Creative Hertfordshire (a free online network for the arts and cultural sector in Hertfordshire).

7.6 There was significant press and multi media coverage promoting the consultation in its first few weeks; BBC 3 Counties, BBC Look East and local papers. This coverage continued predominately through local papers during the ten-week consultation period.

7.7 There was also direct contact with a range of partners prior or during the consultation period: HACO, Hertfordshire Association of Museums, Hertfordshire Lifestyle and Legacy Partnership, North Hertfordshire Museum, Arts Council England, Museums Association, Hertford Town Council, Hertfordshire Heritage Fund and Arts Fund.

- 7.8 During the consultation period, the works were viewed 14,817 times and 318 responses/engagements in the consultation either through the e-survey or through email, telephone and letter.

8. Analysis of consultation

- 8.1 There were 295 completed e-surveys. Many of these responses were representing organisations, which included:

- Local Museums, Heritage and Arts groups,
- The University of Hertfordshire and North Hertfordshire College,
- Primary Schools,
- Town Councils,
- Public Galleries (non- Hertfordshire),
- Private art galleries/collectors; and
- Auction houses.

8.2 Interest in Acquiring Works from the collection

Within the e-survey responses, 27% stated an interest in acquiring works from the collection. These responses were from individuals, partner organisations and private galleries and collectors. The local Museums, Heritage and Arts groups, University and Colleges, Primary Schools and Town Councils were interested in engaging with us further to see how they may be able to acquire works.

8.3 Agreement with rationalisation of the collection

In addition to those who demonstrated an interest in acquiring works, 8% of responses stated agreement with the County Council's plans to rationalise the collection with comments that included:

- *I do not see any strong connection between any of the works and Hertfordshire. If they are not available to be seen and appreciated by Hertfordshire residents or visitors, I do not feel they should be retained. I would prefer to see them sold or donated to other public bodies more associated with the subject or artist.*
- *I believe the sale of these works is a brave and prudent move by the Council. Not only will this raise funds for useful local projects, it will allow these beautiful works of art to see the light of day and gain the full appreciation they deserve.*
- *I do feel that if the holdings are greater than the ability to display, the majority should be disposed of, although I do feel those retained should have a clear association with the County or the countryside.*

8.4 Opposed to the rationalisation of the collection

A proportion of survey responses also indicated opposition to the plans to reduce the collection and dispose of works, 23% of responses provided comment to this effect including:

- *I think it's appalling to consider selling off assets for short term gain.*
- *What right have you got to part with ANY of a collection much of which was GIVEN for the people of Hertfordshire to enjoy. We do have art*

galleries and museums. Put it on display for Herts folk to enjoy. I look forward to the press coverage and BE WARNED.

- I think it is disgraceful that Hertfordshire CC wants to sell these pieces of art. They should rather make them available for all in museums and lift the profile of Hertfordshire nurturing and celebrating their past and cultural heritage.*
- I object to your proposal to dispose of our Art works. Very few people know about your proposals and we are given very short notice for replies. Don't get rid of them! They should be available for us to see and enjoy. Some of them could be displayed at Hertford Theatre and then replaced with others, perhaps there could be a dedicated space/wall.*
- We have been totally shocked to discover that the art works that belong to the people of Hertfordshire appear to be sold without any notification. We always read the local paper. Why has this not been done? Why has it not been mentioned in your Horizon magazine? This seems to be analogous to selling the family silver. Not only are you denying the people of Hertfordshire any cultural experience but future generations too. Are we to be known as philistines.*

8.5 General comments

Within the e-survey 29% of respondents provided a range of general comments, which included suggestions for the collection, mixed views on the plans to rationalise or asked for more information. These included:

- Yes please put them on sale in the new St Albans museum when it opens.*
- Would like to see a public auction where these are being sold. Lots of information and a good time frame. Where will the money raised go?*
- So many have no relevance to Hertfordshire. Keep the ones that do, dispose of the ones that don't and invest the funds into more artwork that relates to Hertfordshire. Don't just sell 'the family silver' and then lose the money by propping up departments that have overspent.*
- I feel that rather than 'disposing' of the art works you should be commenting 'redistributing'. Why are the works not being offered to charities, community groups etc.?*
- I want to know why you have all this art in the first place. Why are you spending tax payers money on art?*
- If you don't own them how can you sell them?*
- I feel saddened that the collection is starting to be sold off, although pleased to see that the money is being used to restore and care for the works retained. Are schools and hospitals no longer able to have the advantage of hanging some of these works on their walls?*

Finally, there were 13% of survey responses that included no comment at all.

8.6 Art works with a Hertfordshire Collection

The consultation exercise highlighted 12 of the 428 works, where respondents provided information to suggest that the works had a Hertfordshire connection.

8.7 Consultation response themes

Whilst there were varying views on the County Council's plans to dispose of art works, there were some reoccurring themes:

- A range of local organisations interested in acquiring works, in addition to members of the public, private collectors and galleries.
- Respondents were not aware of collections.
- The view that art work should be kept within the county for the benefit of residents and concerns that the disposal of works would lead to their loss from the county.
- Support for keeping works with a Hertfordshire connection.
- Recognition that most of the collection being in storage and not accessible to the public was not a good use of the assets for the council or public. That a rationalised properly managed collection would be an improvement.
- A preference to see works 'redistributed' to other Hertfordshire organisations that could make them accessible to the public.
- Questions around why the council had such a large collection in the first place, why investment had gone to acquiring and managing an Art Collection.

9. **Next steps**

- 9.1 A range of local organisations including public museums and art galleries participated in the consultation. In the first instance these contacts will be followed up to understand their views in more detail, to establish whether they are looking to acquire works by sale or gift and their capacity to conserve and display these works moving forward.
- 9.2 As part of the County Council's disposal plans, 53 art works had already been identified to be offered to relevant Hertfordshire museums and galleries, by sale or gifting, and a further 700 will be offered to local interest groups and the public in Hertfordshire. It's likely that the number of works offered to Hertfordshire based organisations and groups could increase, as a result of further discussions with the local museums and art galleries that participated in the consultation, thereby retaining a larger proportion of the collections in Hertfordshire and more importantly making these works accessible.
- 9.3 Progress needs to be continued on options for the conservation and potential relocation of four sculptures within Hertfordshire, which are insured for a total of £21.85 million. These sculptures have particular conservation and security requirements and will need some significant investment, a proportion of this investment may be secured from external sources.
- 9.4 At the point where it is clear which of the 428 first phase of works for disposal will be acquired through sale or gift by Hertfordshire museums, galleries and local groups, the remainder will be auctioned and proceeds from the sale in the first instance invested in the retained collection.

9.5 The County Council's retained collection will then be catalogued, where necessary conserved and plans developed to increase its accessibility. This should allow the collection to be best placed to benefit from external funding, to improve display and interpretation.

10. Financial Implications

10.1 There are no additional financial implications in relation to this report, beyond those already set out in the November 2017 Cabinet report.

11. Equalities Impact Assessment (EqIA)

11.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.

11.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

11.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

11.4 An EqIA is being updated to include the findings from the consultation process. The EqIA and consultation findings will inform final decisions regarding the disposal of art work.

Background Papers

[Future Management of Hertfordshire County Council's Art Collection - Cabinet Panel Nov 2017 -](#)

<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/773/Committee/105/SelectedTab/Documents/Default.aspx>