

SUBJECT:	CITY COUNCIL NATURAL HISTORY, GEOLOGY AND ARCHAEOLOGY COLLECTIONS
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SIMON WALTERS, STRATEGIC DIRECTOR

1. Purpose of Report

- 1.1 To recommend to Executive the transfer of legal title to Lincolnshire County Council's Heritage Services that proportion of the artefacts currently within the City Council's ownership that do not have a direct relationship with the City itself. This element finalises the pre-existing agreement in relation to the ongoing operation of the Usher Art Gallery together with the safe storage, conservation and display of the city council's art and artefacts. The proposals have been developed following extensive further negotiations with Lincolnshire County Council.

2. Background

- 2.1 Members will recall the lengthy and complex negotiations with Lincolnshire County Council (LCC) over a three-year period to secure the future of the Usher Gallery as an art gallery. This culminated in a report to this committee on 25th August 2021 which led to the approval of three agreements:

- A lease variation for the Usher Gallery, enabling wider use of the building by LCC in limited circumstances and introducing the option of a break clause to the lease after 20 years (31st March 2042)
- A service level agreement defining the hours and days of operation of the gallery, the role and financial support of the city council, and overall principles for the management of the city council's art and artefacts (including transfer of title for some artefacts) – a rolling agreement with a review point after three years (March 2025) and every two years thereafter.
- A detailed collections management agreement detailing how the collections themselves will be looked after by Lincolnshire County Council (LCC).

- 2.2 The substantial collection of art owned by the City Council is excluded from the agreement to transfer title to the County Council. Also, in term of artefacts in the City Council's ownership, the wider collection related to world cultures is likewise excluded. Therefore, this report focuses on artefacts within three broad categories:

- Archaeology (within Lincolnshire)
- Natural History
- Geology

- 2.3 Prior to April 1974, Lincoln County Borough Council owned and operated the City and County Museum and the Usher Gallery. Through local government reorganisation

under the Local Government Act 1972, ownership of the buildings and all collections passed to the City Council. On 24th October 1974, the City Council resolved to appoint the County Council as its agent under s.101 of the Local Government Act 1972 for the operation of the City and County Museum and the Usher Gallery, and the service has operated in this way since, until revised terms were negotiated in November 2021. This report covers the element of those revised terms relating to the transfer of defined artefacts in the City Council's ownership to Lincolnshire County Council.

- 2.4 Members should note that as part of the revised agreement, the County Council make no charge for storing, conserving and curating the City Council's material to national standards. This represents a significant cost saving to the City Council, which has in total over 24,000 pieces of art and artefacts.

It should also be noted that post 1974, the County Council has become the accession body for all such material. Therefore, for some collections ownership is split between the City Council (pre 1974 donations) and LCC (all post 1974 donations).

3. Items Identified for Transfer of Title to Lincolnshire County Council

- 3.1 In essence, the agreement reached in November 2021 included provision for the City Council to transfer ownership of its archaeological material drawn from the wider county area (but not within Lincoln itself) to the County Council at nil cost. The material discovered within the City is to remain in City Council ownership. **Appendix A** reproduces an extract (minute 28) of Executive Committee minutes for 25th August 2021 as they relate to this part of the agreement.

- 3.2 **Appendix B** reproduces in full a report from Lincolnshire County Council detailing the principles for the transfer of title at no cost, to their Heritage Service. It covers the history related to the artefacts and from where they originated. The report also goes onto confirm that:

"The County Council is the relevant body for receipt of proposed collection transfers as the Arts Council England accredited museum body for Lincoln Museum and The Usher Gallery. Under prior and existing arrangements for Lincoln Museum, The Usher Gallery and their associated collections, Lincolnshire County Council has demonstrated a long-term commitment to the provision of collections management, care, and access for City Council owned collections."

"All proposed transfers are made with a view to maintaining or improving the overall curatorial integrity of the collections and not for any other purpose. No transfer is proposed that would be to the detriment of the collections and is made with the curatorial recommendation of the County Council's team of qualified museum professionals."

- 3.3 The following categories of items are the agreed priorities for the period 2021-2025 for review and transfer of title to the County Council:

- Natural History
- Geology
- Archaeology (British)

The LCC report covers the transfer of the Natural History and Geology collections, and the first batch of items within the Archaeology collection where it is clear they meet the agreed criteria for transfer. The remaining items within the archaeology category will need further work before coming forward for transfer, or not.

3.4 In summary the proposal from LCC is :

- **Geology and Natural History Collections:** wholesale transfer, as many of the deposits originate from several historical donors covering a wide geographical area, many deposited pre 1974. Therefore, splitting current legal ownership between two councils would not be in the best interests of these collections. The wider benefits of wholesale transfer of these collections to the County Council will allow these complex, specialist collections to be better reviewed and developed, as a whole, representative of the County and within the single title of the County Council's museum collection. This would present a stronger proposition for funding and collaborating with partners to undertake specialist research and review work in order to better understand these collections for the benefit of our shared audiences and communities.
- **Archaeology (British):** The recommendation is to permanently transfer the title of British Archaeological material from the City Council to the County Council where the physical provenance of items/collections sits outside of the current geographical jurisdiction of the City of Lincoln Council. Transfer of these collections to the County Council will provide improved coherence of these collections within a single heritage entity- and go some way to reducing the artificial split of the collection by date (i.e. by the 1974 local authority division).

3.5 The archaeology work is not yet complete. Further reports for the transfer of other archaeological material will follow later for the more complex artefacts that require further investigation. In some cases, these will need to be considered through case-by-case proposal and agreement with the city council. Future reports will include items where it is not possible to readily apply the geographical principle in a straightforward manner.

4. City Council's Review of the Proposal

4.1 Officers in the Heritage Service at LCC have adhered to the categories that were as agreed, and restricted the review to archaeological objects found in Lincolnshire outside the present City boundary but otherwise within the UK. The City Council will therefore retain ownership and ultimate responsibility for objects found in Lincoln and for the world cultures material.

4.2 From an archaeological perspective the chief value of the objects proposed for transfer lies in what story they can tell about the past. This value is enhanced by their relationship to any other objects that have been found nearby, very many more of which have been found in wider Lincolnshire since the 1974 cutoff. It is therefore considered more beneficial for the items listed for transfer to be in the same ownership under LCC.

4.3 With regard to the geology and natural history collections, their scientific value is far greater as a unified collection rather than being split according to an arbitrary date of acquisition in 1974.

4.4 The full list of objects to transfer run to 794 pages of individual listing, broken down by:

- Archaeology – 25 pages of items
- Geology – 238 pages of items
- Natural History – 531 pages of items

As these are very detailed listings, a 10-page random sample extract has been taken from each listing to provide an illustration of the type of material to be transferred. These are reproduced in **Appendix C to E**.

5. Strategic Priorities

5.1 Let's Drive Economic Growth

Heritage and culture are significant drivers of tourism, which itself is a vital element of the local economy. The City needs to maintain a vibrant heritage offer to drive year-round tourism. This transfer of objects supports the overarching agreement with LCC on the delivery of museum and gallery services within the City.

5.2 Financial Implications

Noting the background section to this report, the transfer of material to LCC forms part of a wider agreement with LCC for the long term maintenance of the Usher Gallery. Taking each category of object in turn:

- **Archaeology (*British*)** - No individual item is likely to have a significant value, but if certain objects were to sell (for example) an individual Roman brooch or Saxon cremation urn, it might expect to fetch between £100-£300 depending on its condition. Fragmentary examples will fetch a great deal less. Balanced against this rather minimal (in comparative terms) monetary value, there is the significant potential cost of providing storage and conservation of these items if they were ever to revert to the care of the city council.
- **Geology and Natural History:** there may well be objects in the geology collection that have some financial value, particularly some of the more eye-catching fossils such as the plesiosaur vertebrae and paddles, but the vast majority of objects are mineral and rock samples that are worthless in monetary terms but constitute a clear liability in terms of the large amount of storage space they require. Some are even toxic, and require specialist handling and care. The natural history collection is even more problematic, as the preserved animals, preserved skins and insect specimens require constant environmental and pest-control monitoring and have recently been subject to extensive conservation works undertaken by the County Council at their own expense.

The transfer of material is at nil cost to the City Council.

5.3 Whilst the above confirms a potential notional value for the items being transferred, there are two further aspects to consider.

- a) The City Council will still retain ownership of the much higher value collections covering arts and crafts and also the international collection pieces. These have not formed part of the agreement with LCC to explore transfer of title, so will remain with the City Council.
- b) It is very difficult for the County Council to realise any value in the objects to be transferred while they remain a Museums Association accredited organisation. Any decision to dispose of objects must be taken according to a clear framework published by the Museums Association (MA), which states that the removal of an item from a museum collection must be motivated solely by the interests of the item itself and of the wider collection, and must not be undertaken primarily for financial gain. The MA's disposal toolkit makes it clear that the first option to consider is the transfer of an item to another accredited museum or public sector body, then if that proves impossible it should be returned to the original donor. At the end of the process, after all other options have been exhausted, it might be acceptable to sell the object. The MA guidance also says that any proceeds from a sale must "be applied solely and directly for the benefit of the museum's collection" so it would not be possible for the County Council to sell the items transferred and use the money for general purposes.

5.4 Legal Implications

Legal title to the objects as listed would transfer to the County Council in accordance with all statutory guidance and good practice relating to museum objects.

5.5 Procurement Implications

There are no procurement implications – this is a straight forward transfer of legal title.

5.6 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The transfer of title will not result in any negative impact on the City Council's Equality Duty and may enhance wider access to the material once under the control of a single organisation.

5.7 Land, Property and Accommodation

The contents of this report comply with the agreement referenced earlier in the report covering the wider lease for the Usher Gallery and Service Level agreement for its operation and additional curation of the City Council's art and artefacts.

5.8 Significant Community Impact

The transfer of title will not result in any negative impact on the local community or the many special interest groups, researchers or academics. It may enhance access to the material once under the control of a single organisation.

6. Conclusion

- 6.1 The overall view is that this is positive for both the City and County Councils, and is the right approach with regard to the correct curation of these collections. For those collections not forming part of this agreement, they are retained by the Council, and hence remain the ultimate owner of the materials found in Lincoln or given specifically to the City, and the City Council will continue to have the ultimate say over their care. For the rest of the items/collections, these would move into the ownership of LCC, an accredited body committed to looking after them.

7. Recommendation

- 7.1 Members are recommended to:

- i) Approve the proposed transfer of material as listed to Lincolnshire County Council Heritage Services
- ii) Receive a further report on the remaining items for transfer in due course

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? Five

List of Background Papers: Service Level Agreement, Collections Management Agreement, Usher Gallery Lease

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