

NORTHAMPTON BOROUGH COUNCIL
OVERVIEW & SCRUTINY COMMITTEE

Monday, 24 September 2012

PRESENT: Councillor Les Marriott (Chair); Councillor Matthew Lynch (Deputy Chair); Councillors Councillor Tony Ansell, Councillor Joy Capstick, Councillor Michael Ford, Councillor Brendan Glynane, Councillor Elizabeth Gowen, Councillor Mike Hallam, Councillor Phil Larratt, Councillor Lee Mason, Councillor Brian Oldham, Councillor Suresh Patel, Councillor Brian W Sargeant and Councillor Danielle Stone.

ALSO PRESENT: Call-in Authors, Councillors Terry Wire DL and David Palethorpe.

Witnesses, Councillor Brandon Eldred, Cabinet Member for Community Engagement and Julie Seddon, Director of Culture and Environment.

Officers, Francis Fernandes, Borough Secretary, Tracy Tiff, Overview and Scrutiny Officer and Frazer McGown, Democratic Services Manager.

PUBLIC: Ruth Thomas, Robert Moore, Gunilla Loe, Lee Burrows, Diana Friendship-Taylor, Susan Edwards and Dr Elspeth MacDonald.

1. APOLOGIES

The following apologies and substitutions were noted;

Councillor Jamie Lane (Councillor Mike Hallam substituting), Councillor Beverley Mennell (Councillor Joy Capstick substituting) and Councillor Nilesh Parekh (Councillor Brian Oldham substituting).

The Chair reminded everyone present of the procedure for the meeting that was set out on the agenda paper and also made available to members of the public. He also commented that the Monitoring Officer had confirmed that the Call-in process, as set out in the Council's Constitution, had been correctly followed in this case.

2. DEPUTATIONS/PUBLIC ADDRESSES

Ruth Thomas, Chair of Northamptonshire Ancient Egyptian Society and museum expert, noted that one argument given for the disposal of the Sekhemka statue was that it was not part of Northamptonshire's heritage. She commented that statue had been acquired by the first Marquess of Northampton and donated to the Town by the second Marquess. Until 2011 the statue had been on display continuously for 90 years. She believed that the statue was an important piece of social history. An image of the statue was currently used on the Museum website to advertise archaeology. Ruth commented that Egyptology remained popular with the general public and it was important that the Museum maintained varied collections other than boot and shoes: the public wanted varied collections to see. In answer to questions Ruth Thomas stated that Egyptology was of interest to schools and formed part of the National Curriculum and the Museum's Egyptology collection was well regarded; that the statue had been removed from display two years ago for reasons other than a lack of interest in it and up to that point it had been the single longest displayed item in the Museum; and that when she had worked for the Museum she had undertaken some research into the ownership of the statue which

she had been unable to establish conclusively although the remainder of the Egyptology collection she had been able to.

Robert Moore, a Northampton resident with a lifetime interest in the Museum, commented that he was disturbed by the decision to sell the Sekhemka statue and requested that the Committee ask Cabinet to reverse its decision. He felt that that the Council had not been made aware of all the facts. He asked if Council owned the statue and noted the public interest in the sale since it had been announced. He believed that the decision to sell was contrary to paragraph 18 of the Collections Policy. Robert queried whether consideration had been given to the effect negative publicity would have resulting from the decision on existing and future potential donors. He also queried was this just a way to raise money, would other items be sold off; residents deserved to know more about what was being proposed. He stated that the Museum should not be destroyed or stripped; varied collections were important and should not be sold off. Robert urged the Council to work more closely with the Friends of Northampton Museums and Art Gallery. In answer to a question Robert Moore stated that he had first learnt of the sale of the statue through The Times on 18 August 2012.

Gunilla Loe, Chair of The Friends of Northampton Museums and Art Gallery, urged the Committee to reverse the Cabinet decision to sell the Sekhemka statue. They believed that the sale was contrary to the Collections and Disposals Policy and that the Museums Association had, earlier in the day, asked the Council to stick to its own policy. They had also asked that the Council should consult widely about any potential disposal. She believed that a disposal could jeopardise the Museum's accredited status and its ability to secure grant funding. Consultation on the sale had been limited. Gunilla observed that the statement at Cabinet that if the statue were not sold would affect the Museum's future budget was blackmail. The Museum aspired to be relevant locally, regionally, nationally and globally; it could not be globally important without the Sekhemka statue. In answer to questions Gunilla Loe stated that no consultation had been undertaken with the Friends who were major donors to all the collections; that the Friends had been in touch with the Museum's Association since the Cabinet meeting and had passed on a copy of their advice to the Council that it should stick to its own disposal policy and that selling an artefact should be seen as a last resort; and that the artefact could be loaned or sold below market value to another Museum as the Council was not meant to profit from the sale except to benefit a specific Museum's project.

Lee Burrows, on behalf of Northampton Town and Country Arts Gallery, expressed concern about how the sale of the statue fitted in with the Council's disposals policy and the governance of the process noting that any sale should be as a last resort following consultation with the Arts Council and Museums Association. This decision would affect other donors who might wish to donate objects to Northampton. He commented that with the University and Arts Collective relocating to the Town Centre there was an opportunity for the Council to develop a cultural centre and exhibitions. He noted that Council's own assessment of its collections were that they were of medium importance; what would prevent further sales from the arts collection. He believed that if the Council persisted in the sale of the statue, any proceeds would have to be put back into the Museum. Lee commented that the sale of the statue would have a negative impact on the Museum. In answer to questions Lee Burrows commented that they had not been consulted by the Council at all and had only learnt of the proposed sale from the Friends of Northampton Museum and Art Gallery; that the Council seemed to be concentrating on the shoe collection and the arts collections were being pushed into the background; the Council had a fantastic art collection that was not being seen by the public; and Northampton's history in any case was boot making for the army rather than shoes per se; and confirmed that he believed that the Museum's accredited status was at risk if the code of ethics was not followed and sale proceeds were not put back into the Museum.

Diana Friendship-Taylor, Chair of RESCUE: The British Archaeological Trust, noted that they had already submitted objections and noted the experiences of two other Museums who had been in a similar situation, firstly, Bury Gallery who in 2006 had sold an NS Lowry painting for £1.4m to help plug a Council deficit resigned from the local museums committee and as the motive for the sale was against the Gallery's museum's status it was stripped of its accredited status. Secondly Southampton considered in 2010 selling part of its collection of paintings to fund another museum. The paintings in question had been bequested to the city. Following a petition the sale was not proceeded with. She stated that selling the statue should not be an attempt at asset stripping.

Susan Edwards, a member of the Friends of Northampton Museum and Art Gallery and life-long supporter of the museum, commented that she was a regular visitor to the museum who valued the varied collections; it was not just about shoes and collections from around the world were a good thing. She believed that the statue should be kept. Susan had been in touch with the Leader of the Council and whilst she understood the Council's budgetary problems she believed that assets should not be sold off. She noted that a Councillor in a radio interview had said that Northampton was shoe town and that the statue was not part of that; she believed this was a dangerous statement. She commented that the Cabinet should take into account the views of the public. In answer to a question Susan Edwards stated that she had found out about the proposed sale through the Chronicle and Echo and commented that the Museum should be consulted.

Dr Elspeth MacDonald, stated that she had lived in Northampton for nine years and had been impressed by the Museum. The Egyptology collection was small but good. Selling the Sekhemka statue appeared like vandalism. She commented that fine art was part of the cultural well-being of the Town and was a support for any aspirations of the town to become a city. She asked what assurances there were in respect of what any sale proceeds would be spent on. She believed that keeping the statue gave the Council a huge opportunity if it wanted it; assets could only be sold once.

3. DECLARATIONS OF INTEREST (INCLUDING WHIPPING)

There were none.

4. CALL IN OF CABINET DECISION OF 12 SEPTEMBER 2012 ITEM 6- DISPOSAL OF MUSEUM ARTEFACT

Councillor Wire DL as one of the Call-in authors noted his membership of the Council of the Museum of Leathercraft and commented that the same day as Cabinet had made its decision he had submitted the Call-in. He was disappointed that the Leader of the Council had publically stated that if the sale did not proceed there would be cuts to the Museum's budget and that Labour had put investment in the Museum in jeopardy and had stated that the proposed sale had been considered for two years. However, he had only found out about it through the report to Cabinet. In respect of the Cabinet report he stated that there was a lack of evidence to show what any sale proceeds would be spent on, whether the sale was in line with the disposals policy, ownership of the statue and whether there were any conditions on it and what consultation had taken place.

Councillor Palethorpe, as the second Call-in author, commented that the public speakers had been knowledgeable. He stated that two years previously the statue had been removed from display when its' insurance value had become apparent. The provenance

of the statue had been investigated and that this process had been undertaken in respect of other valuable items as well. He noted that later in the evening the Audit Committee were being asked to approve accounts that included heritage assets that were being kept because of what they were. Councillor Palethorpe commented that Lord Northampton had been an important person and the Egyptology collection was pre Christian and pre Islam. If the reason for the statue not being displayed was because of insurance then the Council should work with partners to work out how it could be displayed; how had the display of paintings by Italian painters been resolved? The reason for the Call-in was for the Council to discuss with people widely the best solution, seek agreement as to what to do and how any monies should be spent and that way a consensus could be reached. Following a recent visit to Exeter Museum he suggested it would be worth visiting to see what they had achieved.

In answer to questions Councillors Wire DL and Palethorpe stated that there was a danger of telling people what was going to happen and calling it consultation; that the organisations that support the Museum should have been involved; that the Council advertised seven consultations that were currently taking place but this one had seemed to slip through the net; Cabinet should have been asked to defer a decision pending information on the legality of a sale, ownership of the statue and any consequences for the Museum's accreditation; as the statue was a gift to the town consultation should include the public at large; and that the relevant paragraphs from the Acquisitions and Disposals Policy had not been included in the report to Cabinet.

Councillor Eldred, Cabinet Member for Community Engagement, stated that the proceeds of a sale would be spent on the Central Museum, Abington Park Museum and Delapre Abbey; that the rumours that Abington Park and Abington Park Museum would be sold were false; the rumours that the proceeds of any sale would be spent on the music festival were also false; and the rumours that there were plans to sell off other assets were also false. He noted that at present only approximately 5% of the collections were displayed. Councillor Eldred commented that consultation regarding the use of the proceeds from a sale (as stated above) would now start although without knowing what figure a sale of the statue might achieve it was difficult to be exact as to what might be done. If the Council were to redisplay the statue a new secure display cabinet was likely to cost in the region of £8,000 plus the cost of security staff likely to be two persons at between £13 and £16.50 per hour 24 hours a day. He noted that during the two years that the statue had not been on display there had been no interest in it until now. Councillor Eldred commented that the Friends of Northampton Museums and Art Gallery had been told of the proposal to sell the statue.

Julie Seddon, the Director of Customers and Communities, in referring to the public addresses reported that she had confirmed with the Head of Service on three occasions that the Friends of Northampton Museums and Art Gallery had been told about the proposed sale of the statue through Museums staff; that although reference had been made to a press article in The Times on 18 August she was not sure that an article had appeared in that newspaper on that date; and that the Council did have ownership of the Statue and that there had been communication with the Marquess of Northampton.

Councillor Eldred in referring to the five grounds of the Call-in stated that the sale of the statue was not being hurried through as discussions about it had been going on for two years that included Councillor Palethorpe's tenure as Leader of the Council; that the Museums Association had indicated that they were happy that the Council was following its own policy; that it was difficult to say conclusively what any sale proceeds would be spent on without knowing what that figure might be other than what he had stated previously; legal advice confirmed that the Council was following its own policy; that the Arts Council and Museums Association were ok with what the Council had done so far;

the Council had had confirmation from Lord Northampton that the statue had been gifted to the Town and that the Leader of the Council was in touch with him; and that consultation had taken place including with the Friends of Northampton Museums and Art Gallery, the Museums Association and the Arts Council before the publication of the Cabinet report.

The Chair asked why the Committee had not been given a copy of the legal advice or copies of the consultations that had taken place and had had to ask for the Acquisitions and Disposals Policy all of which were central to the Call-in and would have been helpful to have before the meeting. He observed that transparency in decision making was important and that the Committee should have all the information available that it needed.

Julie Seddon commented that the legal advice contained commercially sensitive information but could be shared with the Committee in private. She gave an assurance that the Friends of Northampton Museums and Art Gallery, the Museums Association and the Arts Council had all been consulted but was not able to produce a document to confirm this. Julie accepted that this matter could have been handled differently but that Cabinet's preferred approach had been to get agreement to the sale in principle before going to wider consultation.

Francis Fernandes, Borough Secretary, stated that the legal advice covered a number of aspects relating to the potential disposal of the statue and advised that it should not be discussed in public as some of it could be misleading. He noted that the situation was further confused by the requirements of recently published Regulations in terms of giving notice of matters to be discussed in private. Francis commented that the legal advice had been considered by both his colleagues and a further independent expert legal advisor.

Julie Seddon noted that the report to Cabinet indicated that expert legal advice had been sought and that the guidance as to how any sale proceeds might be spent was just that.

Committee members agreed that the legal advice sought by the Council should be made available to the committee in private.

The Chair moved that the public and press be excluded from the meeting on the grounds that there would be disclosure to them of exempt information as described in paragraph 5 of Schedule 12A of the Local Government Act 1972 as amended. The motion was carried.

The meeting briefly adjourned to allow the provision of the legal advice referred to above.

Francis Fernandes, Borough Secretary, displayed the legal advice that had been received and in particular referred to the summary that concluded that:

- The Council had best claim to ownership and that the Egyptian Government and the Marquess of Northampton could not ask for the statue to be returned;
- That notwithstanding the above it would be advisable to have the Marquess of Northampton's support for any sale of the statue and that any sale should not be financially motivated except in exceptional circumstances in accordance with the Museums Association's Code of Ethics;
- That it would be advisable to gain the support of the Arts Council and the Museums Association for any project at Delapre Abbey and that procedure should be followed carefully;
- That there was a risk of loss of support from the Museums Association and therefore a risk of a loss of funding; and
- That appropriate public consultation should take place.

In answer to a question Julie Seddon noted that the word “bequest” had a certain connotation. In this case the statue had been a loan that had subsequently become a gift. She commented that she could confirm that Ruth Thomas had completed an investigation into the ownership of the statue but had not found additional evidence to that already known about. The Council was aware of the position of the Arts Council and the Museums Association who were insisting that the Council followed good practice. They were allowing the Council to trial their new code for disposing of artefacts and were happy with the approach so far. In answer to a question Julie confirmed that a disposal could not just be financially motivated; it had to be consistent with Acquisitions and Disposals Policy, i.e., the item should not be part of a core collection and any sale proceeds should be spent on the Museum’s Collections. The Arts Council and the Museums Association had been asked to consider a broader approach for the use of sale proceeds to include cultural/heritage projects including Delapre Abbey. She also commented that the status of the Egyptology Collection had changed in the Relative Strategic Importance of Collections Review.

It was noted that no evidence of the consultations undertaken to date had been presented to the Committee.

It was also noted that that the situation was complex, especially in respect of the interrelationship between different policies. Julie Seddon commented that this had made it difficult to be more precise on what could be consulted on and reiterated that to date the Arts Council and the Museums Association were happy with the approach adopted so far by the Council and that Cabinet’s preferred approach had been to agree a decision in principle before going to wider consultation.

The Chair moved that the public be readmitted to the meeting. The motion was carried.

In answer to questions Councillor Eldred and Julie Seddon responded as follows;

- Any sale proceeds could be spent on Abington Park Museum and consideration was being given to the expansion of the Central Museum at the rear and to moving some of the collection to Delapre Abbey thereby improving the benefit to the public of the remaining collection;
- At present there were thousands of items not displayed including the military and boot and shoe collections;
- A change in the focus of the collections had resulted from the Relative Strategic Importance of Collections Review: the Egyptology Collection was not a core collection;
- The Arts Council and Museums Association had not raised any concerns regarding the Museum’s accredited status: the acquisitions and disposals policy had recently been refreshed as this was a requirement to be able to maintain accredited status and included seeking public opinion;
- The Sekhemka statue was not part of the Town’s heritage;
- It was unfortunate that the Cabinet report referred to the 2010 Acquisitions and Disposals Policy rather than the recent refresh of it;
- That public opinion did not support keeping the statue;
- Councillor Eldred had agreed the refresh of the Acquisitions and Disposals Policy in earlier in September;
- In reality the difference between the 2010 Acquisitions and Disposals Policy and the refresh was the date at the bottom of the document;
- That the process that had been adopted protected the Museum’s accredited status and a paper trail with the Arts Council and the Museums Association

- to that effect existed;
- Bearing in mind that the possible value of the statue had been known two years previously, prior consultation had been carried out;
 - The consultation to be undertaken now would include options to keep the statue in the public domain as well as selling it and would set out any perceived risk to the Museum's accredited status;
 - There would be a complete audit trail of the consultation undertaken;
 - A survey using Survey Monkey since the Cabinet meeting showed support for the sale of the statue, albeit from a low number of responses;
 - The further consultation would include questionnaires, using the One Stop Shop, public meetings and twitter and that consultation using the Chronicle and Echo could be investigated.

Councillors Wire DL and Palethorpe commented that the Call-in had proved useful and also that the Committee needed to have the appropriate documentation in order to consider the issue: it had been difficult for the Committee. There was a clear discrepancy between what the Cabinet Member was saying in respect of consultation with the Friends of Northampton Museums and Art Gallery and their perception of what had happened. They believed that the arguments given against keeping the statue in terms of costs of security etc seemed like a red herring: the Council could seek advice from others as to what was appropriate. They noted that if the Council wanted to expand museum accommodation it could borrow cheaply for capital projects. The fact that there had not been a public clamour for the statue to be redisplayed when it had been removed from display should not be seen as an automatic approval for the sale of it. They also believed that there was a reputational issue for the Council: the statue could be loaned elsewhere and that there still seemed to be a legal issue in respect of the ownership of it.

The Committee considered each of the Call-in reasons, determined as below and would report to Cabinet at its meeting on 3 October 2012:

1. The sale of the Sekhemka statue has been hurried through without careful consideration to other possible alternatives and financial implications.

Upon a vote the reason was rejected.

2. The Cabinet report says the proceeds of sale of the statue would be 'entirely reinvested in the town's cultural and heritage priorities, including the restoration of Delapre Abbey'. Much more clarification needs to be given, as this statement is very vague.

Upon a vote the reason was upheld.

3. There needs to be more consideration whether this sale is in breach of NBC's own museums policy (Acquisitions and Disposal Policy, 2010). When Cabinet made this decision on Wednesday 12th September the relevant sections of the Acquisition and Disposal Policy was not presented to members to help inform their decision. Therefore Cabinet may have made this decision with lack of sufficient evidence.

Upon a vote the reason was rejected.

4. In addition, does Northampton Borough Council have legal documentation as to whether it actually owns this statue? The statue has been historically gifted and the report does not say whether any conditions of ownership were put in place. This

should be investigated.

Upon a vote the reason was rejected.

5. The Cabinet report says consultation is underway. The sale of the statue should only be considered once consultation has been completed. More consultation needs to be carried out with various stakeholders such as Friends of Northampton Museums and Art Gallery, tourist/heritage groups and local users of the Museums.

Upon a vote the reason was upheld.

The meeting concluded at 21.20 hours