

SUBJECT: Permission for clearance and disposal of items from the former Church Farmhouse Museum, Greyhound Hill, NW4 4JR**Control sheet**

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Childlim Agada 25/05/2012
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 30/05/2012
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jayne Fitzgerald 11/6/2012
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Veronica McCarroll 9/6/2012
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	Lesley Meeks 29/05/2012
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	John O'Hara 26/6/2012
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 25/05/2012
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 25/05/2012
9. The above process has been checked and verified by Director, Head of Service or Deputy (<i>report author to complete</i>)	Name Date	Bill Murphy 26/06/2012
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Andrew Charlwood 03/07/2012
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 04/07/2012
Officer reports:		
12. Head of Service informed report is published and can be implemented.	Name of GSO Date	Andrew Charlwood 04/07/2012
Cabinet Member reports:		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management Overview & Scrutiny Committee members & copied to Cabinet & Head of Service	Name of GSO Date	

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
(EXECUTIVE FUNCTION)**

Subject	Permission for Clearance and Disposal of Items from the Former Church Farmhouse Museum, Greyhound Hill, NW4 4JR
Officer taking decision	Assistant Chief Executive
Date of decision	2 July 2012
Summary	This paper seeks authorisation to carry out a clearance of the property by the end of June 2012 to enable its disposal.
Officer Contributors	Mike Fahey, Divisional Manager, Adult Library Services
Status (public or exempt)	Public (with separate exempt report)
Wards affected	Hendon
Enclosures	Appendix – Historical Items Acquisition and Disposal Policy

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1. RELEVANT PREVIOUS DECISIONS

- 1.1 The budget setting process for 2011-2013, which took a decision to withdraw funding for museums from 1 April 2011.
- 1.2 Cabinet paper - Budget, Council Tax and Medium Term Financial Strategy 2011/12 to 2013/14 and relevant decision 14th February 2011.
- 1.3 Cabinet Resources Committee 28 July 2011 – Item 7: Approve Church Farmhouse as surplus and place on open market
- 1.4 Cabinet 26 July 2007 – Item 8: Approval of Strategic Library Review.
- 1.5 Historical items Acquisition and Disposal Policy

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Council's Corporate Plan 2011 – 2013 sets out how the authority will respond to the challenges facing Barnet over coming years.

3. RISK MANAGEMENT ISSUES

- 3.1 There are a number of potential risks associated which are outlined below along with measures to mitigate the risks identified.
- 3.2 Delay to the process does now challenge the potential to remove items from the site within the required timeframe (by end of June 2012) and the knock on effect this will have on the Library Service's savings commitments in the 2012/13 budget. This risk can in part be mitigated by a clear plan of action covering disposal of the collection.
- 3.3 Failure to follow the acquisition and disposal policy could result in impact to the Council's reputation in the event that items are not handled correctly. This risk will be mitigated by adherence to the Historic items Acquisition and Disposal Policy.
- 3.4 There is a risk in the current financial climate that items placed for sale will not reach estimated sale values. This risk can partly be mitigated by engaging in an auction house which enters items into repeat auction sales.

4. EQUALITIES AND DIVERSITIES ISSUES

As part of the Finance and Budget planning 2011 – 2012 an equality impact assessment was conducted and concluded that the decision to withdraw funding would result in cessation of Church Farmhouse Museum. Evidence from the museum suggests that the expected impact of the closure and disposal of goods from within would impact on school-aged children (class visits); reduced infrastructure used by adults and older adults for pleasure/leisure, and reduced infrastructure used by families, individuals, and local history and interest groups. However, this is unlikely to have a disproportionate impact on any group covered by equalities legislation.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

5.1 Performance & Value for Money:

Method of sale of the elements of the collection to be sold will be by clearance and auction. Quotations have been obtained from three auction houses:

Company A

The estimate of the contents' value was up to £30,000 with a 12.5% commission. There is also a minimum commission of £3 for each item sold or unsold. The cost of clearance would be approximately £1,000. The clearance would be contracted out to a separate company. Company A's reputation is built upon selling fine art and antique items with the attendant risk that the wrong buying audience may be reached. The Council would be liable for the cost of disposal or return of objects that remain unsold with consequent likelihood that receipts from the sale could be heavily eroded with unpredictable final costs for storage and secondary disposal.

Company B

There is no charge for collection and clearance of the items. Their commission rate is 10% with no charge for unsold objects. Unsold objects would be stored and re-offered in the next appropriate sale if required. No charge for catalogue and Internet illustrations. The estimate of the contents' value was up to £20,000. The Council would be liable for the cost of disposal or return of objects that remain unsold after a second sale with consequent likelihood that receipts from the sale could be heavily eroded with unpredictable final costs for storage and secondary disposal.

Company C - Auction Plus

Carries out both clearance and auction and will remove everything, including excess furniture. All items will be entered to the sale. Unsold Lots are automatically re-entered into a following sale. Items then not sold can be returned at request or disposed of free of charge in an appropriate manner. Their estimate of the auction value of the contents was up to £25,000 with a 20% commission. The company guarantees complete clearance of the entire contents, repeat entry into resale of items that do not achieve sale at first offering and subsequent ethical disposal without any further risk or cost, thus having the additional benefit of saving on the additional costs that would be required to clear and dispose of excess furniture, fittings and rubbish.

Recommendation

Giving due consideration to all quotations the Council will engage Company C, Auction Plus to carry out the clearance and sale. It is not anticipated that there will be any net cost to the council as commission and any other costs will be met from the proceeds of the sale.

5.2 There are no, staffing, IT or other property implications.

6. LEGAL ISSUES

- 6.1 A Contract will need to be entered with Auction Plus which must first be vetted by the Council's legal advisers

7. CONSTITUTIONAL POWERS

- 7.1 Council Constitution, Part 3, Responsibility for Functions - paragraph 6.1 states that Chief Officers can take decisions without consultation with the Cabinet Member concerned where it is a decision authorised to be taken by the Chief Officer under Contract Procedure Rules.
- 7.2 Council Constitution, Contract Procedure Rules – Table 5-1 provides that Directors/Head of Service can accept contracts for works up to the value of £156,422 (£173,934 with effect from 1 January 2012, Table 5-1 under review with regard to this revision) where the tender/quotation is the lowest or where the tender/quotation represents the best available option for the council. Acceptance is subject to: a) budgetary provision existing; and b) the usual enquiries at to financial status.

8. BACKGROUND INFORMATION

- 8.1 The budget setting process for 2011 – 2012 included a proposal to withdraw funding for museums in Barnet. Following public consultation, the council took a decision to withdraw funding for museums from 1 April 2011 and to provide a window of opportunity for the third sector organisation to further develop their proposal to operate the Church Farmhouse at zero cost to the council. The third sector organisation stated on 27 April 2011 that they would not develop a proposal to operate the site independently and at zero cost to the council.

The Church Farmhouse Museum site has been added to the council's property portfolio in the hope that an alternative service could make use of the site. As, however, the property carries a high level maintenance liability, no offers to take over the site have been submitted.

Church Farmhouse Museum, Greyhound Hill, NW4 4JR no longer operates as a Museum (as of April 2011) and is surplus to the requirements of the Library Service.

With the current demands on the Council and in line with the One Barnet programme to maximise the community assets to deliver services, the sale of this site will generate a capital receipt. The Council has agreed to dispose of the site on the open market, for potential educational/office/residential use and a marketing process has been commenced.

- 8.2 Disposal of collection

The existing collection must be removed from Church Farmhouse by the end of June 2012. Material will be disposed of, in accordance with the Council's Historic items Acquisition and Disposal Policy, in four ways:

- Retain in storage and in handling collections
-

- Pass on to other museums
- Sell
- Discard

The Council has consulted with Arts Council, England (the national museums governing body) and the Regional Museums Development Officer and their delegated partner organisation, the Museum of London, regarding the method of disposal of the collection. Items of unique local or regional importance will be either retained by the council or passed to other museums and institutions for preservation and development. A collection of handling boxes has been created for use with Key Stage 1 school children, to be administered via the Schools Library Service. The residue of the collection, consisting mainly of generic antique furniture either purchased by or gifted outright to the borough for the purpose of dressing selected rooms as a Victorian farmhouse will be sold at auction. The advice received from the Regional Museums Development Officer endorses the Council's Collection Management Policy and the method of disposal of the collection with the caveat that proceeds from the sale of items should be used to support heritage activities and the maintenance and use of those items retained by the Borough.

9. BACKGROUND PAPERS

- 9.1 On the 28 July 2011 the budget setting process for 2011/2013 sought that Church Farmhouse Museum be declared surplus to the Council's requirements and that it be advertised on the open market to enable submission of schemes and initial bids for the Council's freehold interest.

10. OFFICER DECISION

I authorise the following:

Award of contract to Auction Plus for the clearance and auctioning of items from the Former Church Farmhouse Museum, Greyhound Hill, NW4 4JR

Signed	Julie Taylor _____
	Assistant Chief Executive
Date	2 July 2012 _____

APPENDIX

Historic items Acquisition and Disposal Policy

Barnet Archives and Local Studies unit

Governing Body: **London Borough of Barnet (LBB)**

Policy Approved on 6/2/2012

Policy due for review in January 2017

1. Statement of Purpose

Barnet Council aims to collect and preserve material relating to the history and culture of the London Borough of Barnet, and to interpret the material for the benefit of all sections of the local community and beyond.

2. Existing Collections

The Council's collection contains archival and historic material that relates primarily to the London Borough of Barnet area. It includes:

- Papers
- Documents
- Records
- Images
- Industrial, commercial, domestic and civic objects
- local residents' personal memorabilia

3. Criteria governing future acquisition policy

The Council will actively seek to acquire local studies material relating to the LBB area.

4. Limitations on collecting

The Council recognises its responsibility, in acquiring additions to its collections, to ensure that the care of collections, documentation arrangements and use of collections will meet accepted standards. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

5. Collecting policies of similar institutions

The Council will take account of the collecting policies of other Councils and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museums:

Museum of London;
Barnet Museum.

6. Policy review procedure

The Acquisition and Disposal Policy will be published and reviewed from time to time and at least once every five years. The date when the Policy is next due for review is noted above.

The Arts Council, England will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

7. Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration.

8. Acquisition procedures

a. The Council will exercise due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the Council is satisfied that it can acquire a valid title to the item in question.

b. In particular, the Council will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediary country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom.)

c. In accordance of the provisions of the UNESCO 1970 Convention on the means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the Council will reject any items that have been illicitly traded. LBB will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

d. The Council will not acquire any biological or geological material.

e. The Council will not acquire any archaeological material.

f. Any exceptions to the above clauses 8a, 8b, 8c or 8e will only be because the Council is either:

acting as an externally approved repository of last resort for material of local (UK) origin: or

acquiring an item of minor importance that lacks secure ownership history but in the best judgement of experts in the field concerned has not been illicitly traded: or

acting with the permission of authorities with the requisite jurisdiction in the country of origin; or

in possession of reliable documentary evidence that the item was exported from its country of origin before 1970.

In these cases the Council will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority.

g. The Council does not hold or intend to acquire any human remains.

9. Spoliation

The Council will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World war II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

10. The Repatriation and restitution of objects and human remains

The Council may take a decision to return human remains (unless covered by the 'Guidance for the care of human remains in museums', issued by DCMS in 2005), objects or specimens to a country or people of origin. The Council will take such decisions on a case by case basis: within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 12a-12d, 12g and 12s below will be followed but the remaining procedures are not appropriate.

The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the 'Guidance for the care of human remains in museums'.

12. Disposal procedures

Disposal preliminaries

The Council will confirm that it is legally free to dispose of an item before taking any disposal action

Motivation for disposal and method of disposal

When disposal is motivated by curatorial reason the procedures outlined below will be followed and the method of disposal may be by gift, sale, exchange or via waste disposal.

The disposal decision-making process

Whether the disposal is motivated either by curatorial or financial reasons, the decision to dispose of material from the collections will be taken by LBB only after full consideration of the reasons for disposal.

Responsibility for disposal decision-making

A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety) will be the responsibility of the senior management of the Libraries and Local Studies Department acting on the advice of professional curatorial staff, if any, and not of the curator of the collection acting alone.

Use of proceeds of sale

Any monies received by the Council from the disposal of items will be primarily applied for the benefit of the collections. This normally means the preservation, support or storage of items the Council continues to hold. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way.

Disposal by gift or sale

Once a decision to dispose of material in the collection has been taken, consideration will be given to retaining it within the public domain, unless it is to be destroyed. It may therefore be offered in the first instance, by gift or sale, directly to other Museums likely to be interested in its acquisition.

If the material offered to other museums is not acquired by any Museums to which it was offered directly as a gift or for sale, then the museum community at large may be advised of the intention to dispose of the material through an announcement in the Museum Association's Museums Journal, and in other specialist journals if appropriate.

The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Museums. A period of at least one month will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the Council may consider other means of disposal.

Documenting disposal

Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on de-accession and disposal.

Signed on behalf of London Borough of Barnet

Cllr Robert Rams

Cabinet Member for Customer Access and Partnerships

Date
