

Committee: Cabinet	Date: 7 th November 2012	Classification: Unrestricted	Report No. 47/123	Agenda Item No. 5.2
Report of: Service Head, Democratic Services Originating Officer(s): Zoe Folley			Title: Decision Called-in: Review of Tower Hamlets Artwork (CAB 035/123) - Referral Back to Cabinet: Ward: All	

1. SUMMARY

- 1.1 Cabinet Decision: Review of Tower Hamlets Artwork (Draped Seated Woman) (CAB 035/123) was agreed at the meeting of Cabinet on 3rd October 2012 and was "Called-In" for further consideration in accordance with the provisions of Part 4 of the Council's Constitution by Councillors David Snowdon, Gloria Thienel, Peter Golds, Zara Davis and Craig Aston.

2. DECISION OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 The Overview and Scrutiny Committee, after considering the matter the Committee recommended that the decision called-in was therefore referred back to the Cabinet for further consideration.

3. RECOMMENDATIONS

- 3.1 That the Cabinet reconsider the elements of the decision of the Review of Tower Hamlets Artwork (CAB 035/123) highlighted in Section 8.2 of the report.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

Name and telephone number of holder and address where open to inspection

Overview and Scrutiny Committee
Call-in Report: Agenda Item 5.1
6th November 2012.

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4. THE CABINET'S PROVISIONAL DECISION

4.1 The Mayor in Cabinet considered the report attached as Appendix 1 on 3rd October 2012 and made the following provisional decision:-

1. *That the sculpture be offered for international sale at auction by Christie's in February 2013 with a reserve price to be agreed by the Mayor in consultation with Christie's and that the receipt received be used to invest in projects that benefit the community, including priority heritage projects.*

5. THE 'CALL IN' REQUISITION

5.1 The Call-in requisition signed by the five Councillors listed gave the following reasons for the Call-in:

"This report allows the Council to sell off the very rare and much loved statue – The draped seated woman. The sale of this statue would be to the detriment of the local community as it is a major cultural asset.

- The Council has had several years to investigate options for the statue and report on them. It has not done so
- The report refers in options for return, just Canary Wharf and Victoria Park. But gives no details of any negotiations with Canary Wharf or examines any other options within the Borough.
- The report is therefore lacking in information in which to consider the sale of such an asset."

The call-in was presented by Councillor David Snowdon on behalf of the Call-in Councillors.

6. ALTERNATIVE ACTION PROPOSED

6.1 The Call-in Councillors proposed the following alternative course of action:

"We call on the Mayor, Cabinet and Council:

- To investigate all options for siting the statue within the Borough, including local museums/
- The Council seeks a loan arrangement with other tenants of Canary Wharf who may wish to borrow, insure, maintain, host or display the sculpture.
- The Council discusses with London Council's, the GLA and the DCMS about how the statue could be returned to London and displayed for the benefit of Londoners, which was why it was purchased by the LCC in the first place"

7. CONSIDERATION OF THE “CALL IN”

- 7.1 The Overview and Scrutiny Committee considered the following:
- the views and comments made by Councillor Snowdon in presenting the call-in;
 - the information given by Councillor Rania Khan, Cabinet Member for Culture with Heather Bonfield , Interim Service Head Culture, Learning & Leisure in response
- 7.2 In his presentation, Councillor Snowdon outlined the following reasons for the call-in and concerns raised.
- 7.3 He stressed the significance of the sculpture. It was now time for residents of the Borough to benefit from it. Crucially, Cllr Snowdon argued that the Mayor had not considered all of the options and the organisations that could host the work. He referred to a letter received from the Museum of London Docklands detailing how they could host the work safely and securely. They currently host other key art works and have the arrangements in place to store the sculpture. Like many galleries and museums, they are in a position to secure insurance, underwritten by the Government, through a scheme administered by the Arts Council.
- 7.4 The Committee heard from the Director of Museum of London, Sharon Ament. She confirmed that they were prepared to host the work and had received many offers of support from other key groups. They would host it on a long-term loan basis, rather than transfer of ownership. The museum is free to access and they would have a programme of community engagement and education in relation to the works.
- 7.5 Councillor Snowdon also queried the legality of the sale, whether the necessary legal documentation was in place to sell the work. Jill Bell, Service Head Legal, confirmed that it was.
- 7.6 The Committee heard from Councillor Joshua Peck. He reported that, in addition to Museum of London Docklands, other institutions such as Queen Mary University of London had offered to host the work. A quote obtained from their insurers showed it could be insured for £2,000 a year, indicating it was possible to insure the work for a reasonable price. Other institutions that have made offers to host the work or support its return to the borough were Christchurch Spitalfields, Morpeth School, Art Fund and Whitechapel Gallery. Furthermore 1200 people have signed a petition in support of its retention
- 7.7 Councillor Rania Khan responded to the concerns raised. The Cabinet appreciated that the sculpture was a great piece of art. She drew attention to the budget cuts and the absence of the sculpture from the Borough for 15 years. It would secure much needed funding for essential services and social regeneration.

7.8 Ms Heather Bonfield stressed the problems with the insurance. The advice she had previously received from the council's insurer, and others, was that it was not insurable, but this was being rechecked. In terms exploring different options of where the sculpture could be sited, they had reviewed public spaces including Victoria Park after the refurbishment works were completed, but they were not considered viable.

7.9 In reply to the presentations, the Committee raised the following questions and comments:

- There was a resolution, agreed by full Council 2 years ago, to bring back the sculpture to the Borough. Very little appeared to have been done since then, apart from discussions with the Canary Wharf Group in October.
- Why had there been a delay in sending the Museum of London Docklands proof of ownership of the sculpture so they could pursue their insurance application?
- Whether the Council had approached more than one insurer, before deciding that the sculpture was uninsurable.
- Why officers had waited until the Victoria Park refurbishments were finished before deciding that was an unsuitable site, and why the sculpture couldn't be located on one of the 'islands' in the Park.
- It was not clear what projects would be funded with the proceeds from the sale.
- There was a lack of consultation with the community, and it did not seem as if residents views had been taken into account

7.10 In response it was reported that Council had engaged in on-going discussions with the Canary Wharf Group over the last 2 years but they had now indicated that they did not wish to host the sculpture. It was necessary to wait for the works to Victoria Park and the security report to be completed before assessing if it could be accommodated in the park because of changes to the plans and ground conditions arising. It was evident from the assessments that the park was not a suitable location a site as set out in the Cabinet report. The letter from the Museums of London had only recently been received and contained other information and requests which were being addressed. The Mayor had given an indication of the types of projects that would be undertaken which included housing, culture, community safety and schools.

8. ALTERNATIVE COURSES OF ACTION PROPOSED

8.1 The Committee considered the views and comments made by Councillor Snowdon in presenting the call-in and the information given by Councillor Rania Khan and Heather Bonfield.

8.2 On a unanimous vote, the Committee agreed that Cabinet's provisional decision be referred back to Cabinet for further consideration, with the following alternative actions proposed:

- Insufficient consideration has been given to alternative options for returning the sculpture to the borough for public view and the decision appears to have been rushed. These alternative options should now be fully

considered. In particular, the offer from the Museum in London Docklands to host and insure the sculpture should be explored as well as the other expressions of interest and offers of support. These offers illustrate that it is possible to return the sculpture to public view in the borough securely.

- The sculpture should be displayed in a publicly accessible place so it can be enjoyed by as many people as possible. All options should be fully explored including council land and the University.
- The officer advice on this issue was disappointing, the report produced for the decision was inadequate and rightly caused concern that a decision taken on it would be open to challenge. Local institutions had not been contacted for their interest or advice on hosting the sculpture and the position over insurance was unclear. No mention was made of advice taken, other than that of Christies; giving the impression that only the sale of the statue was seriously being considered. No detail was included on usual practice on council insurance needs or why the conclusion had been reached, causing further concern regarding veracity. The reports own risk analysis warned of the issues, currently being faced by the Council, if the case was not dealt with correctly.
- A large number of residents clearly support the return of the sculpture to the borough and would greatly enjoy visiting it. Moore's inspiration was eastenders awaiting the end of the Blitz, and it was felt strongly that the state should remain in the east end of London.
- There is doubt that sculpture would fetch the much quoted £20 million at auction, particularly given its condition. This would be one-off capital funding and not sustainable, and, relative to the Council's overall budget would not have a significant impact on savings to be made. The benefits of retaining the statue would therefore far outweigh the relatively modest financial gain from the sale.
- It was disappointing that the Executive's argument for selling the sculpture appeared to have changed from the position that they would love to keep the sculpture but that it was uninsurable, to an argument that the sculpture was being sold to raise funds. No clear priorities for use of the proceeds of the sale have been produced, with different Lead Members citing different potential areas. Furthermore, there appears to be a lack of clarity about the Mayor's priorities for spending, as seen through the Mainstream Grants Programme process, the draft Community and Voluntary Sector Strategy and the Enterprise Strategy. This leads to the conclusion that funds raised will be spent on the whim of the Mayor alone.
- The statue belongs to the borough, no matter how long it has been cared for elsewhere. The fact that it was previously sent away to Yorkshire, rather than lose it, is not an excuse to now sell it, just because the Mayor has decided it is no longer valued by residents.
- Members and residents were told that the sculpture was uninsurable and it was logistically impossible to locate in the borough, but this is clearly not true, it could be brought home at little or no cost and as such should be returned to the borough for public enjoyment.