



**EXECUTIVE
3 SEPTEMBER 2019**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell OBE (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economy and Place), R G Davies (Executive Councillor for Highways, Transport and IT), E J Poll (Executive Councillor for Commercial and Environmental Management), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillors: R B Parker (Chairman of the Overview and Scrutiny Management Board), N H Pepper (Chairman of the Public Protection and Communities Scrutiny Committee) and Mrs C A Talbot were also in attendance.

Officers in attendance:-

Debbie Barnes OBE (Head of Paid Service), David Coleman (Chief Legal Officer), Cheryl Evans (Democratic Services Officer), Michelle Grady (Assistant Director for Strategic Finance), Andy Gutherson (Executive Director Place), Will Mason (Head of Culture), Tony McGinty (Interim Director of Public Health), Jasmine Sodhi (Performance and Equalities Manager), Janice Spencer OBE (Interim Director of Children's Services), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Adrian Winkley (Minerals and Waste Policy Team Leader).

17 APOLOGIES FOR ABSENCE

It was reported that Michelle Grady (Assistant Director – Strategic Finance) and Tony McGinty (Consultant in Public Health) were attending the meeting on behalf of Andrew Crookham (Executive Director – Resources) and Glen Garrod (Assistant Director of Adult Care and Community Wellbeing), respectively.

Apologies for absence were received from Les Britzman (County Fire Officer) and James Drury (Executive Director – Commercial).

18 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest.

19 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

The Leader of the Council referred to the debate at the meeting of the County Council on 17 May 2019 concerning climate change and advised that consideration

was being given to possible actions the Council could implement to reduce its carbon footprint. Furthermore, it was advised that the agenda and reports for meetings of the Executive would be circulated only in an electronic format from October 2019, with councillors and officers expected to make effective use of the Modern.gov application.

20 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 9 JULY 2019

RESOLVED

That the minutes of the meeting held on 9 July 2019 be approved and signed by the Chairman as a correct record.

21 FUTURE OF THE HERITAGE SERVICE

Consideration was given to a report from the Executive Director – Place, which informed the Executive of the results of a public consultation on the Council's Heritage Service and sought approval for a series of recommendations relating to proposed changes to the service.

Reductions in government funding, with increased demand on mandatory services, had left discretionary services such as the large majority of the Heritage Service at risk of cuts in service. The County Council had had to make savings of £130 million since 2015, as a result of reduced central government funding and had experienced a 38% reduction in its funding between 2009/10 and 2016/17 with cost pressures expected to continue. The County Council's consultation exercise in 2014/15 had sought views on what priority areas should be funded and had led to over 10,000 responses. The 2014/15 consultation results had identified the following areas as priorities for funding: children's services; highways; and fire and rescue. Cultural services, including the Heritage Service, were deemed as a low priority area.

The proposals for the Heritage Service would enable continued public access to heritage, art and culture in a self-sustaining and affordable way.

The Head of Culture set out the eleven recommendations included in the Executive report and advised members of the context of each proposal.

Officers emphasised that the consultation responses on the Heritage Service, received between 13 February and 24 April 2019, had been carefully considered by the Council. The feedback received as part of the consultation process had led to the proposal in recommendation 4 of the report – that the council explores the potential for third party operation of the Usher Gallery, Lincoln, in whole or in part as an art gallery.

During discussion on the report, the following points were noted:-

- Reference was made to the successes of the Museum of the Moon exhibition; Dinosaurs exhibition and the Bondage to Liberation: Anarchic Collections held

at The Collection and the Lincoln Castle in 2019. These were cited as good examples of sites offering multiple experiences.

- Members were advised that in recent years the Usher Gallery had received around 20,000 visits a year, in comparison with the Museum of the Moon exhibition held at The Collection, which had attracted over 38,000 visitors alone in the two months that it was on display.
- It was confirmed that the City of Lincoln Council had been involved in the ongoing discussions about the future of the Heritage Service for the last two years and that the County Council had kept them informed about the properties and collections that were held under the responsibility of both councils.
- The Head of Culture explained that the County Council would look for the receipt of a sustainable business case from a third party to run the Usher Gallery no later than 31 October 2019. It was confirmed that a scoping document had already been shared which showed a broad vision about how a third party would operate in terms of finance, governance and operation models. It was emphasised that there was a need for the business case to be sustainable over many years. The County Council recognised that it would require significant effort from a third party in securing grants and it would be unlikely that these would be in place by 31 October 2019. However, the deadline of 31 October 2019 would remain in place with a commitment from the Council to be flexible.
- It was noted that the running costs for the Usher Gallery were circa £250,000 per year.
- It was explained that without significant financial investment, the Council was limited to the types of exhibitions that could take place within the Usher Gallery, due to a number of environmental factors.
- Officers had concluded that the proposals within the report offered an opportunity to optimise the number of people visiting Lincoln to learn about the county's heritage. It had been acknowledged that there was further potential to attract more visitors to the county through the Council's heritage offer. The Council was working closely with Visit Lincoln and other partner organisations to maximise the county's visitor potential through the heritage offer with the resources available.
- The Community Museum in Grantham was cited as a good example of where a museum was operated by a third party and the number of visitors had increased.
- It was reported that only 20% of the James Usher Collection was on show at any one time, with 80% of the collection remaining in storage. It was hoped that the collection could be better used and that parts of the collection that related to towns within Lincolnshire might be put on show in those areas.
- The Chief Legal Officer explained the legal situation regarding the Usher Collection. It was advised that the Usher Collection had been bequeathed to the City of Lincoln Council in the 1920s as a continuing bequest. The City of Lincoln Council was bound to look after the collection and to keep it in the Usher Gallery. However, Lincolnshire County Council was not bound by this bequest, as it was the responsibility of the City of Lincoln Council. It was also

clarified that the Usher Gallery was owned by the City of Lincoln Council, and was currently leased by Lincolnshire County Council.

- It was hoped that the County Council could find a resolution with the City of Lincoln Council and the third party. Flexibility was required on all parts to ensure the best solution was found.

The Chairman of the Public Protection and Communities Scrutiny Committee advised that the Committee had considered the Executive report at its meeting on 23 July 2019 and had supported the recommendations to the Executive, with seven votes for and one vote against. The comments of the Committee were detailed on page 42 of the agenda pack.

A letter from Arts Council England to the Executive Councillor for Culture and Emergency Services; a summary of a statement from Catherine Wilson OBE to the Public Protection and Communities Scrutiny Committee; a summary of a statement from Richard Harrison Wood (Chairman of the Usher Gallery Trust) to the Public Protection and Communities Scrutiny Committee; and an email to the Leader of the Council from Jean Parsons were circulated prior to the meeting.

RESOLVED

- (1) That approval be given to the Heritage Service moving to a more commercial approach (also referred to as a cultural enterprise model) to attract greater income and make the Heritage Service as financially self-sustaining as possible.
- (2) That approval be given to the carrying out of works at The Collection building to develop it into a flexible space capable of hosting and displaying a range of art and archaeology including major touring exhibitions.
- (3) That approval be given to Lincolnshire County Council giving two years notice to the City of Lincoln Council to terminate the collections management agreement dated 31 January 2001 and the return of the collections owned by the City of Lincoln Council to the City of Lincoln Council.
- (4) That subject to paragraph 5 below, approval be given to Lincolnshire County Council continuing to explore with the City of Lincoln Council and third parties the potential for third party operation of the Usher Gallery in whole or in part as an art gallery.
- (5) That the Council's continued exploration under paragraph 4 above shall be conditional on:-
 - there being a sustainable business case for third party operation of the Usher Gallery building or part of it as an art gallery to the satisfaction of the Council not later than 31 October 2019;
 - there being demonstrable progress towards the securing of all necessary funding and the obtaining of all necessary consents and the

conclusion of any necessary contracts and other legal documentation to the satisfaction of the Council not later than 31 December 2019;

- there being no later than 31 May 2020 final agreement on the terms of any legal documentation involving the County Council and clear evidence to the satisfaction of the Council that operation of the Usher Gallery building or part of it as an art gallery will commence not later than 31 July 2020; and
- operation of the Usher Gallery building or part of it as an art gallery commencing not later than 31 July 2020.

- (6) That approval be given to Lincolnshire County Council continuing until the expiry of the notice given under recommendation 3 above to explore with the City of Lincoln Council alternative permitted uses of the Usher Gallery by the County Council alongside or in replacement for an art offer.
- (7) That approval be given to Lincolnshire County Council ceasing to operate the Usher Gallery as an art gallery on the expiry of the notice given under recommendation 3 above or a third party commencing operation of the Usher Gallery building or part of it as an art gallery whichever is the earlier.
- (8) That approval be given to serving notice on English Heritage in October 2019 to terminate the lease of Gainsborough Old Hall in October 2020 with Lincolnshire County Council ceasing to manage and operate the Old Hall in October 2020.
- (9) That approval be given to the retention of the Museum of Lincolnshire Life, Battle of Britain Memorial Flight Visitors Centre and Heckington Windmill as part of the Lincolnshire County Council heritage offer.
- (10) That approval be given to the County Council working with third party organisations with a view to a third party organisation taking on responsibility for Discover Stamford, Ellis Windmill, Burgh le Marsh Windmill and Alford Windmill.
- (11) That the Executive Director – Place be delegated authority, in consultation with the Executive Councillor for Culture and Emergency Services, to take all future steps and decisions relating to the implementation of the above decisions including any decision to give the Council's notice to terminate the Collections Agreement and to determine whether the conditions specified in recommendation 5 have been met.

22 PROPOSED STATEMENT OF COMMUNITY INVOLVEMENT

Consideration was given to a report from the Executive Director – Place, which presented the proposed Statement of Community Involvement (SCI).

The Minerals and Waste Policy Team Leader reminded the Executive that the County Council was currently undertaking a statutory review of its existing SCI, which had been published in 2014 and set out how the County Council would engage and

consult the public and stakeholders with respect to the preparation of minerals and waste planning policy documents, and the determination of planning and related applications.

On 18 December 2018, the Executive had approved a Draft SCI for public consultation, which had taken place from 21 January – 4 March 2019. The comments from that consultation exercise had been considered and, where appropriate, modifications had been put forward and incorporated into a proposed SCI which was set out at Appendix C to the report.

Subject to endorsement by the Executive, the proposed SCI would be considered for adoption by the meeting of the County Council on 13 September 2019.

It was highlighted that the Environment and Economy Scrutiny Committee had considered the Executive report on 9 July 2019. The Committee had supported the adoption of the proposed SCI. Comments of the Committee were detailed on pages 799 – 800 of the Executive report.

RESOLVED

That the Proposed Statement of Community Involvement, as detailed at Appendix C to the report, be endorsed and recommended to the full County Council for adoption as the final Statement of Community Involvement.

23 PERFORMANCE REPORTING AGAINST THE COUNCIL BUSINESS PLAN - QUARTER 1

Consideration was given to a report from the Executive Director – Commercial, which presented an overview of performance for Quarter 1 against the Council Business Plan.

The Performance and Equalities Manager advised that of the 14 commissioning strategies reported in Quarter 1: ten had performed really well; two had performed well; and two had mixed performance. A summary of those measures where services had highlighted success in Quarter 1 was detailed at Appendix A to the report. Similarly, a summary of those measures where the target was not achieved in Quarter 1 was detailed at Appendix B.

The Chairman of the Overview and Scrutiny Management Board advised that the Board had considered the Executive report at its meeting on 29 August 2019 and had agreed to support the recommendations to the Executive. The Chairman of the Board presented the detailed comments to the Executive.

During consideration of the report and scrutiny comments, the following points were noted: -

- In relation to the data expected in Quarter 1 but not available, as outlined in section 4 of the report, it had been clarified to the Board that the data for *Reduce Carbon Emissions* (Measure 74) and *Lincolnshire CO² reductions*

(Measure 75) would always be reported in Quarter 2, rather than Quarter 1 each year owing to the timing and availability of the data. The Executive queried whether it was feasible for this to be reported on a quarterly or six monthly basis, rather than annually.

- It was highlighted that the *Household Waste Recycling Centre* recycling rate (Measure 76) for Quarter 1 was expected to be higher than the forecast for the year overall, owing to the growing conditions in Quarter 1, which had resulted in more compostable green waste. It was explained that the increase in performance was owing to partnership working. It was also highlighted that the Lincolnshire Waste Partnership was committed to working towards a consistent recycling mix across all districts, which would help provide clarity to members of the public.
- A discussion took place regarding Measure 111 – *People successfully supported to quit smoking*. It had been highlighted to the Board that recent reports had suggested that vaping was also dangerous, but there was a public perception that it was seen to be safer. The Executive was advised that research so far had led Public Health England to advise that it was too early to determine whether there were any potential long term health issues. However, the public health community remained concerned about any potential health issues. Furthermore, it was advised that at the County Council designated smoking areas were available to staff. However, this could be reviewed if deemed necessary.
- *Sickness Absence* (Measure 92) - The Executive Councillor for Community Safety and People Management advised that the target of 7.5 days per annum of sickness for each full time equivalent employee had not yet been agreed and consideration was currently being given to different targets for different service areas.
- *Visits to core libraries and mobile library services* (Measure 36) – The Executive Councillor for Culture and Emergency Services advised that the improvements to IT in libraries was currently in the process of being rolled out, which should assist in resolving the issue of the number of visits being below target.

The Executive suggested that any future proposed changes to reporting, including targets, should become the exception, rather than the standard. Officers would be requested to attend meetings of the Executive to explain the rationale for a proposed change in mid-year.

RESOLVED

- (1) That the Quarter 1 performance 2019/2020 be noted.
- (2) That the proposed changes to reporting, as set out in this report, be approved.
- (3) That any future proposed changes to reporting become the exception, rather than the norm.

The meeting closed at 12.00 pm.

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