



Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Executive
Date:	02 June 2021
Subject:	Usher Gallery - Update
Decision Reference:	n/a
Key decision?	n/a

Summary:

This report serves as an update on the plans for culture and heritage in the context of the post Covid-19 recovery planning.

Recommendation(s):

The Executive is asked to note and comment on the current situation in relation to plans for culture and heritage.

Alternatives Considered: n/a

Reasons for Recommendation: n/a

1. Current situation

We require the City of Lincoln Council to make a decision, and formally notify us of their intentions regarding the termination of the Collections Management Agreement and associated plans for the future of the Usher Gallery from October 2021. In order to inform actions we will be required to carry out, we require this notification by 1 July 2021.

Lincolnshire County Council continues to be open to a revised collections management arrangement to enable the artefacts in the legal ownership of City of Lincoln Council to be maintained as part of our vision for Lincolnshire's County Heritage offer. We remain open to finding a resolution which allows this material to stay in the county, to be managed alongside the wider artefacts in our on-going care, where they have the greatest relevance and benefit to our shared residents.

The City of Lincoln Council have previously informed us of their intention to progress alternative arrangements for management of the collections in their legal ownership from the expiry point of our current agreement in October 2021. The City of Lincoln Council are liable for the undertaking of removal, packing and transport associated with the transfer and we understand future arrangements for collections management are being developed with Nottingham City Council. Clarification is required as to the continuation of these plans, versus any potential further negotiation for a revised collections management agreement to be reached between Lincolnshire County Council and the City of Lincoln Council.

The impact of Covid-19 on the cultural sector has been significant over the last 12-18 months with venues remaining closed during much of this time as part of the lockdown precautions. During this time, the culture service has worked successfully to maintain engagement with the county's communities, including delivering digital projects in partnership with the organisations such as the Imperial War Museum. It has also been clear that our cultural venues play an important role as safe places for our communities to visit.

Speaking with colleagues across the East Midlands and beyond has shown an increasing trend, as part of the sector's response to the Covid-19 situation, for opening to the public on certain days of the week where the visitor experience is a pure cultural experience and on the alternative days to open for schools workshops and complimentary activity.

The Usher Gallery, Museum of Lincolnshire Life and Lincolnshire Archives are currently open three days a week, with the Battle of Britain Memorial Flight Visitor Centre open four days a week, The Collection five days a week and Lincoln Castle open seven days a week.

We are actively working to accommodate school group visits to sites the days they are not open to the public as well looking at other activity on these days.

2. Our proposal

2.1 Seek a sustainable commercial collections management agreement:

- A cost recovery collections management rate has previously been proposed to replace arrangements with Nottingham City Council and allow the collections to remain in the county. The re-visiting of this arrangement for a commercial management agreement is recommended.
- To amend the terms as part of a modern, fit for purpose arrangement allowing review and rationalisation of material in line with national best practice with an emphasis on retaining collections which best tell the story of Lincolnshire.
- To agree alignment between the collections agreement and any lease arrangements for the Usher Gallery to allow improved response to changes within the sector. For example, a ten year agreement.

- That the new agreement provides clarity over discrete collections, for example that responsibility for discharging the Usher bequest sits wholly with the City of Lincoln Council.
- With regards to the Usher Gallery Bequest, and although independent legal advice differs, Lincolnshire County Council's understanding, based on QC advice, is that the City of Lincoln Council hold singular responsibility to deliver and comply with the ensured public display of this material within the Usher Gallery building.

2.2 Broaden the use of The Usher Gallery

- In line with recovery planning proposal to retain general opening to public three days per week for exhibitions and permanent displays.
- In keeping with the ethos of a publically owned gallery, on days the building isn't open purely as an art gallery, it would be used for wider public access for community, cultural and creative industry use. This would be combined with the flexibility for income generating activity in line with use as a gallery including the opportunity for hire associated with talks & tours, weddings, ceremonial celebrations, educational and children's activities. Conversations with stakeholders and partners have shown support for this kind of activity to take place in the Usher Gallery.
- Our intent is to meet with the City of Lincoln Council to discuss changes to the lease to align the timescales of the lease to those for a future collections management agreement, to embed increased flexibility and address the imbalance of the current lease with regards to notice periods.
- The Usher Gallery is already licensed for civil ceremonies and has hosted weddings in the past. We would encourage wider flexible use for ceremonies in line with the above without a need for dedicated ceremony spaces or associated offices- i.e. retaining art gallery offer throughout.
- Attract the external funding for investment made possible if the building remains as an art gallery.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

As an update there are no Equality Act implications arising out of this Report.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

As an update there are no JSNA implications arising out of this Report.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

As an update there are no crime and disorder implications arising out of this Report.

3. Conclusion

This report serves as an update on the plans for culture and heritage in the context of the post Covid-19 recovery planning for comment.

4. Legal Comments:

The Report sets out an update on plans for culture and heritage and does not call for a decision by the Executive.

The matters on which the Executive are being invited to comment are within the remit of the Executive

5. Resource Comments:

This update will not directly impact on the budgets of the Council. The financial implications of future changes to the service will need to be incorporated in to our budget setting process for future years.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

The Report has not been considered by a Scrutiny Committee

d) Risks and Impact Analysis

n/a

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nicole Hilton, who can be contacted at Nicole.hilton@lincolnshire.gov.uk