

# APPENDICES

## Acknowledgements

We started work on this project the week the new Herefordshire Archives & Resource Centre (HARC) opened to the public. Despite this, we were made to feel very welcome and all staff went out of their way to help us as much as they could do. At no point did we feel that they would rather have been getting on the day job instead of working with us. This is a testament to their dedication but also to their realism of how important our work was to the future of the Services.

We are very grateful for the friendly response from the public and stakeholders of both Services who were all open to discussing ideas about how they could help. The huge response to the public meeting on a Friday evening was particularly gratifying and demonstrated to all there how important to Herefordshire are these Museums and Archives Services.

## Appendix I

### Our Brief in full

#### Herefordshire Council Review of Museum and Archive Services Brief for Commission

#### 1. Introduction

Herefordshire Council directly runs two museums in Hereford, a museum store and a new archive centre. In addition there are a number of functions the services operate that support voluntary sector museums and the care of the historic collections.

The Council, along with all other local authorities, has had to review its core purpose and activities in the light of public sector changes not least the significant reduction in budgets.

Therefore, this review has been commissioned to consider the future opportunities for the museum and archive service in light of local government changes and pressures. The review specifically needs to evaluate feasibility of the service operating on a zero based subsidy.

#### 2. Objectives of the Commission Key

##### objectives are:

- To create a road-map for museum and archive services to achieving a zero based subsidy.
- To present opportunities for the service in meeting the requirements of a contemporary local and visiting audience.
- To recommend a future delivery model for the services, including objectives, purpose and financial overview.

**Plus additional amendment in the contract:**

if operating on a zero based subsidy is not feasible, we would consider the steps the Council could take so that progress could be made towards this situation.

**3. Work to be undertaken**

**3.1 Assessment of Services**

- Make contact with departments of the Council to access information regarding services delivered in the museum and archive service, potentially hold a service workshop.
- To explore options for the services with partners and stakeholders.
- A financial and legal assessment of the Heritage Lottery Funding Agreement for the Museum Resource and Learning Centre.
- Assess each site and service for its income potential.
- Conduct desk research on good practice on service operation in a zero subsidy environment.
- Review how the service relates to the corporate plan for the local authority, and its future potential to do so.
- Assess the options for the management of the service, including retained within the authority and outsourced in whatever form.
- Gain an understanding of future operating model based on triangulation of data, stakeholder feedback and good practice.
- Review funding and finance opportunities.
- Produce a final report and an executive summary.

**3.2 Case studies**

- Reference to other parts of the country that have taken this approach and how that experience can inform intended approach in Herefordshire to the future operation of the museum and archive services.

**4. Outputs**

It is expected that activity would result in:

- Review of research.
- Outline of future purpose and direction of the service.
- Options for the management of the service, with recommendations.
- Options for income generation by site and service, with recommendations.
- Financial profile of the recommendations.
- Next steps and requirements for future delivery.

**5. Skills Required**

The consultant chosen will be able to demonstrate:

- Commercial operation of an equivalent service.
- Track record of service evaluation and design.

- Experience of work with the voluntary and public sectors.
- Creative thinking and visioning skills.
- Excellent communication with groups and individuals.
- Report writing.
- Proven track record of similar consultancy exercises.

## **6. Timescale**

The start date of the project should be in mid-July 2015 for completion by October 2015.

## **7. Ownership**

Herefordshire Council will retain ownership and responsibility for all data collected and ownership of the report.

## **8. Responsibilities**

The consultant will be responsible for:

- Conducting all work necessary to complete the final report.
- Undertaking required assessment and interviews.
- Collection and review of all relevant documents.
- Agreeing the format of the final reporting arrangement.
- Attendance at up to three Advice Group meetings and to deliver up to two presentations of the final findings.

Herefordshire Council will be responsible for:

- Ensuring all the relevant information at its disposal is made available.
- Ensuring that all key stakeholders are informed of the consultant's remit.
- Providing a named Council contact.
- Convening an Advice Group and which will direct the project.
- Commenting on the findings, inputting into the final report, and facilitating the meetings for the presentation of the final report.

## **9. Terms of payment**

## **10. Project Owner**

Andrew Ashcroft

Assistant Director – Economic, Environmental and Cultural Services Herefordshire  
Council

## THE REGENERATIVE VALUE OF CULTURE

The value of cultural developments has long been recognised and culture has been used to regenerate both urban and rural areas throughout the UK. Since Glasgow's *Miles Better* campaign in 1983 with its opening of the ground breaking Burrell Collection gallery, many local authorities have used culture to improve their image, re-generate their public spaces and boost their economies.

ACE's Chief Executive recently stated that because of the role cultural institutions can play in place-making, "local authorities are defining themselves more and more by their cultural institutions in shaping that place" despite their financial problems.

Liverpool restored its Albert Dock, and Tate Liverpool opened in one of the former warehouses in 1988. In Salford and the Borough of Trafford, the site of the former Manchester Ship Canal docks is now a massive cultural site comprising Media City where the BBC and ITV are based, with Imperial Museum North, the first British building by Daniel Libeskind. Anchoring the whole development was The Lowry – the theatres and art gallery building – opened in 2000. The site is now surrounded by offices, apartments and a shopping centre. The cities of Newcastle-upon-Tyne and Gateshead invested in the Baltic Mill and Sage, the concert hall, with rejuvenated docksides and the Millennium bridge across the Tyne which won the Stirling Prize in 2002.

Hull City Council built a new archive, called The History Centre, in partnership with the University (where Philip Larkin was Librarian). Kingston-upon-Hull, a major medieval port and a key strategic stronghold on the east coast has a huge and important history. The City Council built up one of England's best Museums Services with seven museums in historic buildings in the Museums Quarter of the City, a boat, a light ship and a significant collection of Old Masters at the Ferens Art Gallery. The City's archives date back to 1299, and papers held include the Port and Docks of Hull and significant individuals such as Andrew Marvell, Amy Johnson and William Wilberforce, in addition to Larkin's papers. Hull is similar to Hereford: a City with a rich history and a large agricultural hinterland.

The History Centre, a new build, was funded by an HLF grant of £7.7m and cost £10.3m. It opened in 2010 and in addition to the City's Archives, it houses the Local Studies Library and the University's archives. The Ferens Art Gallery is currently closed for refurbishment and a new environmental control system, again funded partly by HLF.

Hull will be UK City of Culture in 2017 when the Art Gallery (and the New Theatre) will both reopen. The Turner Prize exhibition and award ceremony will move to the Ferens, as it did to Derry/Londonderry in 2013. As a consequence of this award, the City is experiencing an economic renaissance, stimulated by the cultural investment. Hull had one of the lowest educational attainment levels in England with school truancy a major problem. The investment is already making improvements here.

The Courtyard Theatre, which is leading on Hereford's own bid for UK Capital of Culture, has been working closely with Hull to learn from their success.

Following the re-development of the Central Library in Manchester, completed in April this year, *Home* opened this summer, also in Manchester. This was described by *The Sunday Times* as "another glistening arts complex" but is essentially a new home for the existing Cornerhouse cinemas and Library Theatre Company, with additional contemporary gallery space and broadcast studios.

Situated in an increasingly young and hip area of the city centre, the Chief Executive praised the vision of the City Council:

“it realised that the creation of a multi-arts centre would provide economic and social benefits to the city, acting as a cultural catalyst for the regeneration of the area”<sup>1</sup>.

Major individual cultural buildings have also been used to stimulate regeneration for some time: Tate St Ives, opened in 1993, the famous Guggenheim art gallery in Bilbao in 1997, and more recently, the Wakefield Hepworth and, in Margate, the Turner Contemporary. These flagship buildings are symbols of hope for towns reinvigorating themselves and finding pride through art, despite struggles at the time the buildings were created. So such buildings do contribute to giving a new lease of life and help to create a positive image.

But not all the examples of economic regeneration success are urban.

The Tank Museum in Dorset holds one of the most significant worldwide collections and archives relating to armoured vehicle warfare. Based at Bovington Camp, the Army’s Tank training site in Dorset, it is the only substantial indoor visitor attraction in the county.

The Museum has a strong business focus and the majority of its turnover of just under £4m per annum comes from sales: admissions, events and intellectual property. The rural location of the Tank Museum - Bovington Camp is on the Dorset Heathland with no passing trade - underpins the Museum’s visitor offer, experience, and marketing strategy of the Museum as a destination.

The Museum receives around £500,000 per annum Ministry of Defence (MoD) support in the form of a £20,000 grant and direct payment by the MoD of three staff, utilities and building maintenance. Substantial capital investment in recent years from organisations including the Heritage Lottery Fund and DCMS/Wolfson museum and gallery improvement fund has enabled building, exhibition, collections storage and visitor facility improvements. As a consequence of this investment and improved marketing, the visitor figures rose from 109,488 in 2008/9 to 143,309 in 2012/13. To increase its capacity to fund core costs the Museum has established an endowment fund with HLF Catalyst funding support and is developing additional fundraising capacity through a Membership scheme.<sup>2</sup> This is significant investment in a rural area with no major centres of population other than the county town but with a heritage tourism appeal; a close parallel with Herefordshire.

Although most of these examples, though not all, are in larger towns and cities than Hereford, the principle is well established that culture can support an economic revival, leveraging in additional income for the area and help to create new civic pride.

As the ACE report, quoted in this report, says:

“last year a survey of local authorities explored the value that they placed on arts and culture; economic development emerged as the main reason for them to fund culture”<sup>3</sup>.

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<sup>1</sup> Dave Moutrey, *The Sunday Times*, 7<sup>th</sup> June 2015

<sup>2</sup> statistics from ACE, op cit, Case Studies volume, pages 25-28

<sup>3</sup> quoted on page 22 in ACE op cit

## THE STATUTORY BASIS FOR ARCHIVES

### The National Archives

The National Archives (TNA) took over the regulation of archives in England and Wales in 2011 at the same time as Arts Council England become responsible for museums.

TNA's main policy document which summarises their priorities is *Archives for the 21<sup>st</sup> Century*<sup>33</sup>, a major report which has the following five policy recommendations:

- **Built to Last:** develop bigger and better services in partnership
- **Effective, skilled workforce:** strengthened leadership and a responsive, skilled workforce
- **Digital by design:** co-ordinated response to the challenge of managing digital information accessible now and discoverable in the future
- **More accessible online:** comprehensive online access for archive discovery through catalogues and digitised archive content
- **Partnerships:** active participation in cultural and learning partnerships promoting a sense of identity and place within the community.

TNA has designated Herefordshire Record Office as a place of deposit for public records. In addition, it is also the Diocesan Record Office for the Diocesan of Hereford and for Church of England Parish Registers under the Parochial Records and Register Measure.

TNA was invited to contribute to our consultations but declined, saying:

“Unfortunately, on this occasion, The National Archives feels unable to contribute to the consultation directly and will be in contact with Herefordshire County Council separately. We will, however, be interested in seeing the results of the consultation once they are known”.

### 2.3.2 Other statutory provision

Archives have a statutory framework which is wider than simply TNA and which museums do not have; e.g. local government has a statutory duty to preserve their own records. Local authorities are covered by several local government acts regarding the safe keeping and accessibility of records. Most notably, democratic accessibility is covered by the Freedom of Information Act 2000 (FoI), the Local Government (Records) Act 1962 and various Local Government Acts.

The Public Records Acts of 1958 & 1967 empowered the Lord Chancellor to appoint local record offices as *places of deposit* and Herefordshire Archives and Record Office was first designated in 1964.

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<sup>33</sup> *Archives for the 21<sup>st</sup> Century in Action: refreshed 2012-15*, TNA, 2012

The Local Government (Records) Act 1962 empowered local authorities to acquire records relating to the area they served by gift, purchase or deposit and to make arrangements for public access to these records. It gives responsibility for “adequate use of records under its control”<sup>34</sup>. This Act refers to allowing inspection and copying of records, preparing indices and guides, and publishing and exhibiting them. It empowers local authorities to acquire records of local significance, over and above their own records, care for them and make them available for study by the public. This Act refers solely to the service provision aspect of archivists’ work, not stewardship and collections care.

The Local Government Act 1972 requires Local Authorities to make *proper arrangements* for any documents that belong to them or are in their care. These *proper arrangements* were defined in joint guidance issued in 1999, confirming that this covered all records, not just those of the local authority. The guidance also referred to the need to provide a suitable physical environment for the records (to BS5454 standard), the need to work with schools and other educational establishments to realise the educational potential of archives and the need to provide adequate staffing.<sup>4</sup>

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<sup>4</sup> [www.nationalarchives.gov.uk/information-management/legislation/other-archival-legislation/local-government-acts/](http://www.nationalarchives.gov.uk/information-management/legislation/other-archival-legislation/local-government-acts/)

## ARTS COUNCIL ENGLAND

Arts Council England (ACE) has been responsible for museums in England since 2011, at the same time as TNA took over the Archives sector. As it took up these new responsibilities, it commissioned *Culture, knowledge & understanding: great museums and libraries for everyone*. Then in 2013, it merged this document with its existing one for the arts, identifying five common goals for all cultural organisations in the years to 2020. This is the cultural equivalent of TNA's report quoted above, and has many synergies with it while also setting the context for museums under the following headings:

- Excellence is thriving and celebrated in the arts, museums and libraries
- Everyone has the opportunity to experience and to be inspired by the arts, museums and libraries
- The arts, museums and libraries are resilient and environmentally sustainable
- The leadership and workforce in the arts, museums, and libraries are diverse and appropriately skilled
- Every child and young person has the opportunity to experience the richness of the arts, museums and libraries.

This ten year strategic framework<sup>35</sup> highlights how the broad spectrum of cultural organisations can mesh and support each other.

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<sup>35</sup> *Great Art and Culture for Everyone 2010-20*, ACE, 2013



**SPINNING OUT FROM LOCAL AUTHORITIES**

Local authorities have for many years spun out leisure services in particular, persuaded by the benefits of converting to charitable trusts and mutuals. The growth of Greenwich Leisure Limited, the first spun-out leisure mutual in 1993, inspired others to follow. In addition, many local authorities are, like Herefordshire, involving community-based groups to run selected sites and services such as branch libraries, in order to maintain them. Herefordshire Council has put several contracts out of the Council with The Courtyard Theatre, HALO (the contract for leisure centres) and Brightstripe (for arts and sports development).

Many museums, mainly in England but some in Scotland and in Wales, have now been established as independent charitable trusts and several are in organisations which also include archives, arts development, theatres and/or libraries. We estimate there are approximately 40 museum services in UK now in organisations independent of local authorities and this number is still growing.

Some archives have also left local authorities but fewer of them than museums. Culture Coventry (2013) includes archives, museums and the local studies library. The South West Heritage Trust (2014), created by Devon and Somerset County Councils, includes both county's archives and local studies libraries with Somerset County's Museums and Historic Environment Record. This is the first organisation to be created by a partnership of two local authorities and they are open to further expansion. Explore York (2014) is a mutual of York City Council's archives and libraries, the first such in Britain.

In some cases, existing charities have taken over running archives such as Redbridge Culture and Leisure, established as a trust in 2007, which acquired heritage services in 2010. The latter comprises archives, a museum, libraries, parks and open spaces. Since 2009, Northumberland County Archives have been managed by Woodhorn Charitable Trust alongside their branch office in Berwick-upon-Tweed and three museums in the County, in Hexham, Morpeth and Berwick. The Woodhorn Trust was an existing charity running the site of the former Woodhorn Colliery near Ashington as a museum. The move provided a new home for the Archives which gave them much needed expansion space from their cramped previous site in Newcastle-upon-Tyne.

The impetus for setting up museums as "independent" has usually been from the local authority to save money, though this should not be the main driver for considering an independent organisation. The charitable organisation would not pay full business rates so an immediate saving of 80% of the rates would be achieved for the parent council in Year 1. But this saving is a one off and should not be seen a continuous saving year on year.

There are many risks however. TNA's website has several case studies and under the Sustainability heading, it cites one archive service who found it more difficult to maintain links with the public record creators, e.g. courts, hospitals and police, once they were part of an independent trust and appeared to lack the backing of the local authority.

The Council would still be responsible for the collections however even if it created an external trust to manage and care for them on their behalf (the same would be true of the Museums Service's collections also). So the responsibility would remain.

The highest risk to services to be spun out is that that are bled dry of funding and skills through continual cuts by their parent councils. In this scenario, services enter the new phase of their life weakened and not capable of creating a viable future for themselves.

In the case study cited above, the TNA website states that services in this spun out archive struggled to be self-funding so, even though it is in an environment where it is easier to generate income, the archive still requires financial support from their parent authority.

Most local authorities wish to continue to support museums and archives. But the big risk is that their inability to give guarantees of future funding make it difficult to create a resilient business plan for any new governance model and to demonstrate the viability required. Most of the local authority museums who have achieved independence from their parent authority are in England, as stated above, and several of them – notably Birmingham and Derby, both recently created – have had troublesome negotiations for the 2015/16 financial year as their parent authority sought to cut more deeply than previously agreed.

Where the local authority is unable to fulfil their funding agreement and seeks more substantial savings from the new trusts, any young organisation is at risk. So if a new governance model is selected in the future for Museums and Archives Services in Herefordshire, the Council must consider seriously the question of future funding in both the short and longer term. (See section 7.1 for more on this.) Any new organisation running a Council-owned service would need a helping, supportive hand to find its feet, especially if

– as with many heritage organisations – they are not experienced at generating income and thinking commercially. So although many are flourishing, many are also struggling as the financial support from their parent authorities upon which their business plans are based, appears to be unreliable.

Last year, TNA published a major report for county record offices called *In a Spin*<sup>5</sup> The report states:

“However once a spin-out has been initiated,  
it will not succeed without encouragement and support, and the  
local authority will need to ensure that  
the spin-out is set up to succeed.”<sup>6</sup>

But there are many advantages as well as drawbacks. These would include the ability to fund raise more effectively, to be more responsive to new initiatives and potential partnerships than if they were in the local authority, and to develop trading as an important source of income more easily. Independent organisations can innovate more easily without the bureaucracy of local government and can focus on its communities more effectively without political interference. The members of the new Board of Trustees help the organisation benefit from new skills and a more business-like approach.

Finally, as local government services derive no immediate benefit from the income they generate (income is usually simply used to reduce the bottom line cost of the service), staff have much more motivation to innovate and earn income, once they are in control of it and not losing it at each 31<sup>st</sup> March.

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<sup>5</sup> [In a Spin](#), The National Archives, 2014 (this has led to *spinning out* becoming the way to describe this move)

<sup>6</sup> *ibid*, page 14

The TNA report identified some of the key challenges of spinning out as being<sup>40</sup> (these apply equally to museums as to archives):

**“Loss of democratic control:** while under direct management, elected members are able to hold service management directly to account and to ensure that policy changes are adopted and implemented rapidly.

**Potential for failure:** a small, new organisation may struggle to be viable or to develop the disciplines needed to be sustainable.

**Savings are often at the expense of staff:** while transferred staff will have a degree of protection through the TUPE regulations, many spin-outs make savings in staff costs by employing new starters on lower rates and offering less generous pensions.

**No protection from cuts:** independence and a contract provide only limited protections from the demands for savings as contracts do make allowances for variation (discussed on the previous page) and the spin-out might find it hard to achieve existing savings targets, let alone take on new ones.

**Few opportunities for growth:** while some spin-outs have grown considerably, these are the exceptions and many smaller spin-outs lack the commercial skills and capacity to win new work, particularly if there are more and more spin-outs to compete with.

**Fundraising can prove difficult:** donors and the public may be loath to give money to a service they still identify as a council service and believe they are already funding through taxation.”

We know from our independent museum research outside of this project, that those services which have spun out and have invested in their cultural change and organisational development are the ones most likely to succeed. Luton Cultural Services Trust (established in 2007), is an example of one which has done this and has recently taken over the community halls alongside the museums, libraries and the arts service originally in the Trust. The Council sees them as a strategic partner whom they can commission to help deliver services to support their corporate objectives of well being and economic regeneration, so they have developed an adult relationship. Luton however is significantly bigger than a Herefordshire museums and archives trust would be, as Luton employs 250 with 140 volunteers and six apprentices.

Some trusts have not developed a strong partnership with their local authority however, such as those which are very large combining leisure with culture and heritage (Glasgow and Falkirk are examples) so still run like mini-local authorities rather than heritage-focused businesses. Merthyr Tydfil has recently created a trust for its leisure and cultural services and they are being constrained about what they can charge for services as the local authority still wants to control how the Trust operates. Charities should be independent and as TNA’s report states, the Charity Commission has already refused registration to some local authorities as they did not believe that the new charities would be independent.

Many local authorities have built joint archives or history centres and many museums services are now creating formal partnerships to create critical mass and share specialist services. A group of museums in the south west of England, calling themselves the Wessex Five Museums Partnership, are exploring joint working with funding from ACE’s Resilience Fund, as are several museums in Bath. The museums in the West Midlands, of which Herefordshire is a part - working as the Marches Network - are currently exploring the future potential for partnerships. These ideas are picked up within a recommendation in section 7.2.

Cultural change in an organisation cannot happen overnight but it needs positive action and investment to take place, coupled with continuing encouragement and support.

These facts and the experience of others have influenced our conclusions and recommendations on immediate governance changes in Section 7.1.

**Herefordshire Museums Service:  
direct contribution to the Council's corporate objectives**

**Enable residents to be independent and lead fulfilling lives**

**Encourage individuals, communities & organisations to do more for themselves and for their local area**

**People are active in their communities and look out for the more vulnerable so they can live more independently**

- advice and support to community-run museums, heritage attractions and heritage projects
- support of communities through loans of exhibitions, objects, equipment, loans boxes, Museum on the Move visits. We contribute to community-run events such as Bromyard Gala & Historic Hereford day
- support of community interest groups such as Hereford Metal Detecting Club, WEA, Segments poetry writing group, NADFAS, WI
- regular team of volunteers many of whom are vulnerable adults. We support them in developing confidence and skills. One volunteer has developed lectures and walking tours on Brian Hatton in the community through association with HMS
- support of artists and exhibitors through our art gallery exhibition programme

**People are physically and mentally healthy and stay safe for longer**

- Museums offer opportunities for enjoyment, relaxation, entertainment and learning for a wide range of people with every kind of ability, background or interest
- Museum artefacts connect people to people and people to their past. Artefacts stimulate curiosity and excitement, they have the power to intrigue and captivate
- A publication called Five ways to Well-Being by the Foresight Project highlighted 5 factors in fortifying mental health
  - Social connections: museums offer opportunities to socialise with others through volunteering, workshops, talks and tours, training sessions, adult and family events
  - Being active: staff & volunteer work, open days activities e.g. race to the Celtic Grove
  - Being curious: Museums inspire curiosity and wonder and take us out of our minds into the moment and outwards into the possibilities that museum collections present. They allow us to put aside the worries of our daily lives for a while
  - Learning something: Herefordshire Museum Service is a learning service: Exhibitions, displays, tours, talks, workshops, facilitating research, open days, family events, school workshops, artefact loan boxes, reminiscence sessions, community activities, volunteering
  - Helping others: Volunteers support each other
- Museum sites provide safe, supportive and neutral environments for vulnerable people
- exciting events for families, informal and formal adult workshops including for WEA & U3A, community group tours, talks, walks
- work with vulnerable people includes elderly people (volunteers), people with dementia (Spun Gold exhibition & Courtyard partnership), people who are disabled (group visits to sites and schools sessions) the visually impairment (Braille, tactile imaging, RNIB projects), people with mental health challenges e.g. The Stonebow Unit (artefact loan boxes and 'Mind' volunteer placement), adults and children with

- learning disabilities (school workshops and visits to sites), a young person with autism and looked-after children (work placements), stroke patients (handling session), people in end of life care at St Michael's hospice (artefact boxes), elderly people in care homes (Museum on the Move & artefact boxes)
- Providing volunteer opportunities for the retired & elderly provides a sense of purpose, to stay active & engaged

### **Protecting children and giving them a great start in life**

#### **Access to excellent education and learning opportunities at all levels Outcomes for children and young people improve**

- A museum visit can enrich a child's life, and reach the most hard to reach children
- HMS offer child-friendly museum sites, multi-accessible, for special schools and disability. 'The hands on activities were terrific- the children had a great time'
- education and learning opportunities for young children to college students through museum workshops, artefact loan boxes, school education sessions, museum visits, Museum on the Move, visits to the Museum Resource & Learning centre, and projects such as the Take One project
- Museums make learning fun and exciting, enriching the curriculum by learning outside the classroom. A teacher commented 'A child who doesn't normally engage, did so today.'
- Museum artefacts can be explored: immediate, tactile, visceral. Museum objects and specimens are extremely inspiring resources for children to talk and write about, thus improving literacy skills
- the Museums Service education resources contribute to educational attainment, 'My class got the all the questions on forces right in their SATS, after this workshop', teacher from Credenhill Primary School
- artefact access for students, researchers and groups, and work with the local colleges such as College of Art Foundation students 16-18 years induction and familiarisation tours.
- Joint working with universities, such as Cardiff University Conservation course providing artefacts for post-graduate project work

#### **Increased equality of opportunity & access to reduce inequality in health & wellbeing outcomes**

- Museums in Hereford are currently free to everyone.
- Fully accessible to all. Access Policy includes Emotional/ Attitudinal, Intellectual/ Educational, Sensory, Physical, Geographical, Temporal, Financial, Cultural, Access to information, Access to decision making

### **Create and maintain a successful economy**

#### **Supports economic growth and connectivity (includes broadband, local infrastructure, transport and economic development)**

- For every £1 spent on the Herefordshire Museum Service, £8.41 is released into the local economy. Herefordshire's 33 heritage attractions bring at least £18,745,803 of tourism value to local businesses (Association of Independent Museums (AIM) Economic Toolkit, using 2013-14 figures)
- Old House Museum and Hereford Museum & Gallery are key visitor attractions in the City
- Museums Service supports Herefordshire's Creative Industries and provides exhibition space for artists and craft-makers, and through Arts Council funded projects such as CraftsSpace & Ceramics trail
- Museums Service could maximise retail potential: merchandising the collections & retail local products, for tourist trade & local market, develop a retail/visitor centre
- Museums Service can attract external funding for projects, exhibitions, buildings, collections care & access, education and community activities

### **Make Herefordshire more attractive to younger age groups for a more balanced age profile**

- An active cultural life, including Museums, attracts younger age groups and families into Herefordshire, and keeps younger people and families in the county
- People deciding to move to Herefordshire from elsewhere look at cultural factors in their decision making; things for them to do and take part in
- Museums are a factor contributing to making a place pleasant to live in and worth visiting
- Museums are a part of educational and academic life for young people and their families. They contribute to the future for young people
- Museum has potential as a partner in the development of Herefordshire's University: sharing expertise, information & knowledge, support, training, collections of interest to arts and science programmes of study

### **Supports the improvement in quality of our natural and built environment**

- museums are deeply rooted in Herefordshire and contribute to local distinctiveness
- museum sites are key Historical buildings. Old House (17<sup>th</sup> century) is an iconic focal point for the City, Hereford Museum & Library is an ornate purpose-built Victorian public building, the Museum Resource & Learning Centre is a 20<sup>th</sup> century Cold War communications centre
- Old House Museum and Hereford Museum & Gallery are part of the City's historic core and heritage corridor
- Herefordshire Museum collections have a record of the natural and historic environment through artefacts, specimens, paintings and photographs, illustrating the local rural and urban historical aesthetic through time

### **Embraces new ways of responding to changing pressures (includes sustainable and more local water, fuel and food supplies)**

- Schools outreach programme and *Museum on the Move* take workshops, real objects and exhibitions to schools and communities, saving fuel and costs for them of travelling into Hereford
- Museum Resource & Learning Centre solar panel roofing is part of the Council's sustainable energy programme
- HMS exhibitions educate about sustainability e.g. wool as a sustainable resource in 'Spun Gold'

### **Has vibrant town centres with shops, restaurants and leisure facilities that keep people spending locally. (Maintain the % of residents satisfied with their local area as a place to live.)**

- Museums add to the cultural life and leisure facilities of the city
- Tourists and visitors stay longer and spend more with greater visitor attractions
- Hereford Museum & Art Gallery and Old House Museum help draw people to the area, which assists other tourist attractions, businesses, local shops, restaurants and accommodation venues. Museums Service sites signpost other leisure and cultural venues
- Exhibitions and events, activities, courses and talks attract visitors and local people into the City and have the potential to attract new visitors
- The Old House is currently Herefordshire Museum Service's most popular destination for school visits from city and rural schools. School children bring family back with them.
- The Museum Service has the potential to be a useful partner in the development of Herefordshire University

### Herefordshire Archive Service

#### Direct contribution to Herefordshire Council's Corporate Objectives

The new Herefordshire Archive and Records Centre represents a substantial and exciting investment in the future of the county's heritage provision. It has the potential to unlock the capacity of the Archive Service to support Herefordshire Council's strategic priorities and, after three months in operation, is beginning to realise this. Local partnerships and networks, such as the Local History Societies; arts organisations, such as Catcher Media; and benchmarking agencies, such as the Passivhaus Trust, are already benefitting from HARC's facilities. The expertise and commitment of the staff have always been recognised by its users. In HARC, the Archive Service will have the setting in which these qualities can have a real impact.

#### Wellbeing

- Access to archive collections, with accompanying expert advice, promotes a sense of identity and belonging through family, house and community history. This fosters social cohesion and is an excellent means of bringing Herefordshire communities together.
- The new building and its facilities give an opportunity to explore the potential of family and community history as a therapeutic pursuit through reminiscence sessions and community outreach.
- The Council's investment in HARC gave the county the facility properly to cherish its written memory. The new building and the collection it houses are an asset to be celebrated by the community, and a focus of local pride.
- Through the Herefordshire Local History Societies network, the Archive Service advises a large number of local history societies and provides a central forum from which to encourage best practice.
- Developing new skills as archive users, through guided documentary and online research, enhances quality of life by increasing self-confidence. Skills acquired during archive research are transferable: clients using the Archive Service during *Get Online Week* events in October 2015 became more confident IT users as a result.
- The Archive Service provides education and learning opportunities to all levels through talks, seminars and school sessions. New facilities, such as the well-appointed conservation room, promise an extension of current outreach activities to incorporate conservation techniques.

A substantial and growing volunteer programme, with over 40 volunteers currently in place, has proven benefits for both the service and local citizens. With expert guidance, volunteers gain new skills and derive personal fulfilment from participation. In a welcoming and appreciative environment volunteers engage with each other and support other users in their research.



- Clear mental health benefits for volunteers and numerous cases of volunteers taking part for therapeutic reasons. Volunteers who have suffered from brain injury have improved confidence levels as a result of working with the Archive Service. The new building and its facilities give an opportunity to extend the range of volunteer opportunities. Capacity to engage actively with social care professionals.
- From the new centre of HARC, heritage guided walks will take place. These will contribute to the general fitness of individuals while encountering the local history. Such group activities also provide opportunities for socialising.
- The new exhibition space and public meeting room at HARC offer local groups the chance to express themselves through artistic and historical displays and to share ideas through meetings and talks.
- The Archive Service supports agencies such as the police, courts and coroner's services and provides information, including electoral register checks, to assist in detection and access to closed inquest and trial records for health and judicial review purposes.

### Economy

- The Archive Service attracts people to Herefordshire from around the country and internationally, spending money locally and using other local facilities and amenities. The most recent survey of visitors showed that 14% of visitors paid for overnight accommodation, 49% ate out locally and 72% made use of local shops.
- The recent availability of online access to the collections, with the support of volunteers, has already resulted in increased remote demand. Increasing digitisation of holdings, which will be achieved in partnership with external bodies at little cost, will bring greater number of visitors to the locality.
- HARC has already demonstrated its potential for attracting project funding. Two recently announced substantial projects, which will take place in 2016, are predicated on the use of HARC as a base for associated outreach activities.
- The new specialist facilities in the conservation room offer a great opportunity for income generation through commissioned conservation work and consultancies, as well as the potential to attract external funding for conservation projects.
- As the Rotherwas Enterprise Zone becomes established and expands, HARC offers excellent complementary facilities for meetings and business conventions. Local high quality catering provision is also available and will benefit as a result.
- The Archive Service provides access to information that can allow agencies and communities to make informed decisions about local projects and initiatives. Issues such as rights of way and planning enquiries are frequently resolved with archival support and expertise.
- HARC has greatly enhanced the capacity of the service to support further and higher educational needs. Facilities for guided research and tuition using archives and conservation science offers great potential which would be fully exploited in partnership with a new local university.

- Volunteers and regularly placed work experience students benefit from the acquisition of new specialised skills, many of which are transferable, as well as a general exposure to workplace discipline. This leads to increased employability and, in 4 cases, advancement to professional training courses and employment.
- HARC promotes the use of Passivhaus standard of energy efficiency in buildings. Several workshops have already been held where HARC has been both venue and case study.
- The new facilities at HARC, including a well-appointed merchandise display area, will enable the expansion of sales. Initiatives, such as a partnership with local publishers, will extend the commercial capability of the service.
- The conservation service is equipped to play a role in flood resilience for Herefordshire Council and local businesses and is able to advise on preparedness and salvage.

**LEGAL ADVICE LETTER IN FULL**

**LEGAL ADVICE ON HLF CONTRACT DATED 9<sup>th</sup> JANUARY 2006  
FROM ROSIE PARR, LANCASTER PARR**

**1. BACKGROUND**

In January 2006 Herefordshire Council ('the Council') entered into a Grant Contract ('the Contract') with the Trustees of the National Heritage Memorial Fund, the parent body of the Heritage Lottery Fund ('the HLF'). For the purposes of this advice note I shall refer to the HLF as the contracting party.

The HLF made an award of £1,223,000 ('the Grant') to the Council for certain purposes approved by the HLF ('the Approved Purposes') which were set out in the application form. I understand these purposes related to the Museum Resource and Learning Centre in Friars Street, Hereford ('the Property').

In return for the Grant the Council entered into the Contract by which it agreed to observe certain conditions attaching to the grant award for a period of 25 years from the date of the Contract (9 January 2006) – see clause 41. The HLF did not in 2006 require the Council to give a first charge on the Property as security for the Council's performance of these obligations (which the HLF would do now as a standard term of most of its grant awards of this size.)

I understand that freehold title to the Property is owned by the Council. The Council now seeks advice on whether it would need to repay the Grant or part of it to the HLF if it sold the Property or if it stopped being a publically accessible museum collectionsstore.

**2. CONDITIONS OF THE CONTRACT**

The Contract imposes the following obligations on the Council which relate to the Council's considering sale or closure of the Property:

Clauses 3 and 6 – the Council can only use the Property for the 'Approved Usage' and it must also carry out the Approved Purposes in accordance with best practice. The meaning of these terms was set out in the Council's grant application form which I have not seen but they relate to the Property's use as a publicly accessible museum resource and learning centre. Any change of use by the Council without HLF consent (even without a sale or closure of the Property) or failure to keep to the Approved Purposes would be a breach of the Contract.

Clause 4 states that the Council is bound to observe both the terms of the Contract and any special conditions set out in the HLF's award letter and the conditions and requirements in the Monitoring Documents as defined on page 1 of the Contract.

Clause 14 states that the Council must continue to own the Property and keep full control over what happens to it. The Council may not sell, let or otherwise part with it or any interest in it, or give any rights over it to anyone else (or take any steps to do so) without the prior approval of HLF.

Clause 14 goes on to state that if HLF gives its approval to a sale or letting of the Property it may be on the following terms:

- that the Council pays a share of the net proceeds of selling or letting the Property, such sum to be calculated by the HLF in line with the Monitoring Documents.
- that the Property is sold at its full market value
- that the sale or letting is subject to any other terms that HLF may wish to impose as it thinks fit.

Clauses 16 and 17 require the Council to maintain the Property in good repair and condition and insure it to the standard set out in the Monitoring Documents – so it is not an option for the Council to allow this Property to fall into a state of disrepair, as to do so would be a breach of the Contract.

Clause 20 of the Contract requires the Council to have appropriate access to the Property, and to make sure that no person is unreasonably denied access to the Property. A gain it would be a breach of the Contract terms for the Council to close the Museum Resource and Learning Centre to the public, save on health and safety grounds, as with the Museum & Art Gallery at present.

Clause 28 sets out a range of default circumstances which would require repayment of the Grant to the HLF. The ones which are still applicable include the Council no longer operating; its insolvency or its supply of fraudulent, incorrect or misleading information in the HLF application form; its negligence in connection with the Approved Purposes or Approved Usage; or a direction from a competent authority that the Grant should be repaid.

Clause 29 sets out the HLF's remedy for any breach of contract - it stipulates that the Council must repay to the HLF any grant monies that it has paid to the Council (or any smaller amounts the HLF ask the Council to repay) for the reasons listed in this clause 29, which include in sub-clause (d) any failure by the Council to keep any of the terms of this Contract.

Clause 30 states that if the Council has to repay the Grant as a result of, inter alia, a change of ownership of all or part of the Property, a change of the Approved Purposes or Approved Usage, or if the Council has merged with or transferred its functions to another organisation, then any new organisation or owner must within 90 days of this breach of the Contract, send the HLF a new copy of the Grant Application for consideration. This provision would apply, for example, on a transfer of the museum service to a charity, or other form of not-for-profit organisation.

Clause 33 states that the Council will have to immediately repay to the HLF a share of the net proceeds if it sells or otherwise parts with all or part of the Property without the permission of the HLF as required by clauses 14 or 30, or the Council receives money in some other way as a result of its breach of the Contract. An example of the latter circumstance might be if the Council closed the Museum Resource and Learning Centre to the public and then received a payment from a property developer as part of an option to purchase agreement.

Under this clause 33 the HLF has the right to determine the share of such net proceeds it is entitled to receive in line with the Monitoring Documents, if that share is more than it would be entitled to demand under clauses 28 or 29 dealing with breaches of contract.

Clause 38 requires the Council to write to the HLF if it requires approval for anything (such as a proposed sale or letting of the Property). Note also that the Council can only rely on an approval from the HLF if it is given in writing.

Clause 41 confirms that the conditions of this Contract last for 25 years, i.e. until 5 January 2031.

### **3. CONCLUSION**

The Council cannot sell or let the Property without the prior approval of the HLF, as to do so would be a breach of contract triggering the HLF's right to demand repayment of all or part of the Grant. I see that the definition of the Monitoring Documents on page 1 of the Contract states that these include information as to how the HLF would recover the Grant.

The HLF did not obtain a first charge on the Property, registered at the Land Registry, to secure the performance of the conditions in the Contract, which would have enabled it to block a sale.

As a remedy the HLF might refer the matter to a mediation process for resolution. Alternatively, or if mediation failed, the HLF could commence court proceedings and sue the Council for damages equivalent to the sum claimed plus costs and expenses.

### **4. RECOMMENDATION**

If the Council decides to sell, let or close the Property to generate funds or an income, then it should apply in writing to the HLF for consent to the disposal or closure and then negotiate the terms as to any repayment of the Grant, if that is sought by the HLF. The HLF may be prepared to give consent to a sale or letting of the Property but on terms that the HLF receives a share of the net proceeds or rental income.

**Rosie Parr**  
**Principal Solicitor**  
**Lancaster Parr**

14<sup>th</sup> October 2015

*Authorised and regulated by the Solicitors' Regulation Authority, SRA Number 51277*

## CONSULTATIONS

All members of staff in both Museums and Archive Services were interviewed and many volunteers. Also we met the HER staff and the Archaeologists.

Hilary spoke at a meeting of The Friends of the Record Office and the Marches Network Museum Officers' Meeting.

Hilary spoke at the Public Meeting on 16<sup>th</sup> October 2015 attended by over 130 people including elected Members of Herefordshire Council and Hereford City Council.

### Interviews and surgery sessions

Ian Archer, Chief Executive, The Courtyard Theatre  
Charlotte Berry, Cathedral Archivist  
Isabel Churcher, Museums Relationship Manager, Arts Council England  
Jean Currie, Friend of Herefordshire Record Office  
Ginn Downes, Textile Tutor  
Tony Featherstone, Herefordshire Council  
Joy Gordon, Chair of Ross U3A and Museums Service volunteer  
Hilary Gow & Sue Gough, WEA  
Edward Harley, President of the Friends of Herefordshire Archives  
Dominic Harbour, Marketing Director, Hereford Cathedral  
Sue Hubbard, Archivist at Brampton Bryan Estate, volunteer at Weobley Museum  
Keith James, Derek Evans Collection  
Yve James, Herefordshire Family History Society  
Deborah Jarman, Leominster Museum and Herefordshire Museum Forum  
Jacqui Jonson, President Woolhope Club & Museums Service volunteer  
Chris Johnson, Ledbury Civic Society and Heritage Centre  
Sue Knox, former Museum Development Officer, Herefordshire Council  
David Marshall, Chairman of The Cider Museum and of Friends of Herefordshire Museums  
Jan Nesaratnam, Herefordshire Libraries  
Elizabeth Pimblett, Herefordshire Museums Support Group  
Peter Reavill, Portable Antiquities Officer, Museums Service, Herefordshire & Shropshire  
Julie Rees, Head Teacher, Ledbury Primary School and Chairman Herefordshire Schools Forum  
Natalia Silver, Herefordshire Council  
Richard Smith, Chairman of the Friends of the Record Office & volunteer at HARC  
Andrew Teale, Head Teacher, St Paul's School, Hereford  
David Whitehead, Woolhope Club member, Vice-chairman of Victoria County History and historian  
Clare Wichbold, Cathedral Perpetual Trust and Chairman of Friends of Three Choirs Festival  
John Williams, Leintwardine History Society

Plus additional letters and emails from other stakeholders.

HMcG/hw