

Petition response - Margate Museum and the Mayor's Parlour

Cabinet	14 March 2019
Report Author	Tim Howes, Director of Corporate Governance
Portfolio Holder:	Councillor Gregory, Cabinet Member for Financial Services & Estates:
Status:	For decision
Classification:	Unrestricted
Key Decision	No
Ward:	All

Executive Summary:

A petition containing 94 valid signatures was received by the Council requesting that the council reaffirm that there will be no sale or disposal of the buildings known as Margate Museum and the Mayor's Parlour.

Under the Council's petitions scheme, Council is required to refer the petition to Cabinet without debate for report back to Council.

Recommendation(s):

Cabinet has considered the content of the petition and given responses in section 4 of this report.

Cabinet remains committed to finding a long term sustainable future for the museums and the recommendation is to continue to progress to marketing as detailed and determined in the October 2018 meeting.

CORPORATE IMPLICATIONS

Financial and Value for Money	The asset team must work with finance to clarify the VAT position and ensure that all costs involved in a transfer are identified as part of the marketing to ensure costs are recovered as part of any transfer. The Medium Term Financial Strategy documents capital and revenue expenditure, this action is required to ensure there are no unplanned costs incurred which may impact the MTFs.
Legal	Legal advice will be provided as part of the transfer.

Corporate	Supporting neighbourhoods and promoting inward investment are drivers behind the need to protect the museums and heritage properties. Without action these will close. There are risks involved in transfer, these risks will be managed and mitigated through this process. The Communications team will be actively involved in promoting the opportunities and liaising with members of the public and press throughout the process.								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (Section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="435 913 1396 1171"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td>X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td>X</td> </tr> </table> <p>The changes recommended in this report will protect the values for inclusive museum facilities.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	X
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Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X								
Foster good relations between people who share a protected characteristic and people who do not share it.	X								

CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	X
Promoting inward investment and job creation	X
Supporting neighbourhoods	X

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	X
Supporting the Workforce	X
Promoting open communications	X

1.0 Introduction and Background

1.1 A petition organised by Mr Smith-Stewart had been validly signed by 94 persons. The petition prayer and justification reads:

1.2 “We the undersigned petition the council to reaffirm that there will be no sale or disposal of the buildings known as Margate Museum and the Mayor's Parlour. The Museum is ideally placed on its existing site, and only requires an extension into the Mayor's Parlour where a lift was to be installed to comply with the Disability Discrimination Act. The Mayor's Parlour also known originally as a municipal building was funded by the widow of Mayor Kendall and must continue for mayoral use. The Tudor House and Maltings are not suitable to take all the museum artefacts, a heritage lottery bid needs to be revisited for all for these buildings as a matter of urgency.”

2.0 The Current Situation

2.1 Cabinet considered the interests of the following Museums and Heritage property on 18 October 2018.

- Dickens House, Broadstairs
- Margate Museum, Margate
- Tudor House, Margate
- Old Town Hall, Margate.

2.2 The report thanked the ongoing support of staff, volunteers and community organisations who give their time to support the museums and share the heritage of the local area.

2.3 However the report also commented on the condition of the property, the reduction in technically qualified resources and noted that funding opportunities are not necessarily increased by council ownership.

2.4 As a reminder the Mendoza Review, an independent review of Museums published by the government on 14 November 2017 noted funding challenges for local authorities and commented:-

“Local Authorities that are no longer able or willing to support their museums should try to find alternative sustainable futures for them, including considering whether they would better fulfil their functions outside the council.”

Since this review a £4 million DCMS Wolfson Museums and Galleries Improvement fund was launched, but local authorities were not able to apply for this funding instead preference is given to established museums and galleries. This seems to confirm the trend for supporting qualifying organisations rather than local authorities.

2.5 A strategic review of the museums concluded that Thanet Council is no longer able to financially support the museums and therefore must try to find alternative sustainable futures.

2.6 A report on this subject was considered by the Executive, Policy and Community Safety Committee on 27th September 2018 and cabinet considered their concerns in taking the decision on the way forward.

2.7 As a reminder the suggested way forward documented in the October cabinet report was:- This report was considered by the panel and Cabinet asked to consider:-

2.8 Margate Museum and Dickens House

2.8.1 It is proposed that these two properties are retained primarily as museums (but that there is some scope for ancillary trading activities that support the museum objectives) and advertised as a going concern to be transferred to a voluntary or community body.

2.8.2 On the 3 September 2018 Margate Museum was determined as an asset of community value under the Localism Act 2011. It should be noted that any marketing is now regulated by this statute.

2.8.3 Note that the volunteers are being consulted at an early stage in this process with a view to retaining their ongoing support at these museums. All those who have had discussions so far with the council are in support of the strategic change.

2.8.4 A staff consultation process has begun with the employee of Dickens House to give the assurance that the transfer will be as a going concern.

2.9 Margate Town Hall

It is proposed that this premises is marketed for commercial opportunities for the vacant areas of the ground floor, but with interested parties incorporating ideas to accommodate the Charter Trustees on the upper floor. Note that the existing leasehold interest on the lower ground floor will be unaffected by the transfer.

2.10 Tudor House

It is proposed that the Tudor House is marketed for a use that supports investment into the premises, promotes the heritage and ensures it remains used by members of the public.

2.11 Proposed approach

2.11.1 A marketing team will convene to collate information into a data pack which is required for marketing of the sites. Regular updates will be provided to the Portfolio Holder. The proposed process is:-

2.11.2 Stage 1 - pre marketing

Collation of information into data packs, containing key opportunities and constraints including planning, legal, contractual, building fabric potential, user information, staff and volunteer data (only data permissible under employment law and GDPR), artefact information (where relevant) and operational data pulled together for marketing purposes.

2.11.3 Stage 2 - Marketing/Expressions of Interest

Market the opportunity through appropriate channels during the early Spring of 2020. Marketing includes advertising and approaches for support through English Heritage, Heritage Lottery Fund, Arts Council England, Association of Independent Museums and other independent museum trusts.

During this stage there would comprise requests for expressions of Interest, with bidders invited to submit their proposals by a defined date. The detail required from bidders would include identifying the nature of the proposed use, they would be required to provide information demonstrating experience and financial ability to deliver the outcomes within a reasonable timeframe. The purpose is to identify the most realistic and attractive use for the site.

Please note that the properties are being marketed independently from each other. This does not prevent an organisation expressing an interest in more than one opportunity but will allow for greater flexibility for the Council to consider all applications.

2.11.4 Stage 3 - Shortlisted Proposals

Provided a sufficient number of expressions are received a short list of parties would be asked to meet with officers to review their proposals giving both parties the opportunity to ask questions and where relevant they would be requested to submit a final offer.

It is expected that the Portfolio Holder for Estates and Finance, the Lead Director together with officers from Community Services, Heritage, Tourism, Finance and Asset Management will form part of the panel of review of the final offers submitted.

2.11.5 Stage 4 - Contractual Recommendation

With a preferred party chosen for each opportunity a recommendation will be made by the panel, to Cabinet for approval. Should there be no clear credible opportunity to transfer these facilities a summary will also be included in the Cabinet report with a recommendation made on the way forward.

2.11.6 There would be marketing, legal and estates fees involved in completing these changes, at this stage these costs are not known. However, these costs would be expected to be covered by the successful bidder, with their final offer reflecting these outgoings. The costs will be quantified and published as part of the marketing of the opportunity.

2.12 The timeframe to bring this back to Cabinet will be at least twelve months, but this will be confirmed. Whilst the timeframe is fairly lengthy, it is in recognition that there is a considerable amount of work to be done to prepare the marketing and the opportunities must be widely marketed to adhere to property and procurement laws.

3.0 The decision taken at the Cabinet meeting in October 2018 was:-

- 3.1 Dickens House, Broadstairs - to market the opportunity as a going concern (i.e. the premises, collections and staff) through appropriate channels for transfer to a voluntary or community body and
- 3.2 Margate Museum, Margate - to market the opportunity following the rules imposed by the Asset of Community Value regime (Localism Act 2011) to transfer to a voluntary or community body and
- 3.3 Tudor House, Margate - market opportunities through appropriate channels to transfer the premises to a use that demonstrates credible investment will be achievable in a reasonable timeframe and the use will continue to support the heritage of the area and use of the asset by members of the public and
- 3.4 Margate Town Hall, Margate - market opportunities for the property through appropriate channels to transfer to a use that demonstrates credible investment but with consideration given to preserving the Margate Charter Trustees presence. The existing leasehold interest on the ground floor will not be affected by the transfer.
- 3.5 In respect of the above to report back to Cabinet with the outcome of the marketing exercise and a recommendation on the way forward for each of the above properties.

4.0 The Petition

The petition received raises a number of concerns which are considered below:

- 4.1 "We the undersigned petition the council to reaffirm that there will be no sale or disposal of the buildings known as Margate Museum and the Mayor's Parlour."

For the reasons contained in the October Cabinet report and briefly summarised above, these two buildings should be marketed, following the restrictions and regimes documented, to encourage investment, both of a financial and technical nature. Before marketing can commence there must be a decision in principle to transfer to another party, this is Council Policy and complies with the principles of the Local Government Act 1972.

- 4.2 "The Museum is ideally placed on its existing site and only requires an extension in to the Mayors Parlour where a lift was to be installed to comply with the Disability Discrimination Act"

There are no plans in place to displace the museum, the Council is looking for credible qualifying organisations (for example a charity) as documented in the Community Asset Transfer Policy. Both the Margate Museum and Margate Town Hall require extensive work to bring them back in to use and comply as far as reasonably practicable (noting the Grade 2 Listing status) for accessibility requirements.

- 4.3 "The Mayor's Parlour also known originally as a municipal building was funded by the widow of Mayor Kendall and must continue for mayoral use".

At present there are no known impediments to the use of the building, but the property will be subject to a thorough legal due diligence process which will include searches on the use of the property to identify any restrictions.

- 4.4 “The Tudor House and Maltings are not suitable to take all the museum artefacts, a heritage lottery bid needs to be revisited for all for these buildings as a matter of urgency.”

The intention is to market the Tudor House and land behind, together with the Margate Museum to identify potential uses that will support funding and a sustainable use of the properties. It is expected that the interested parties will include details of how they propose to fund the planned use.

Contact Officer:	Edwina Crowley, Head of Asset Management
Reporting to:	Tim Howes, Director of Corporate Governance

Background Papers

Title	Details of where to access copy on the internet
Asset Management, Museums, Cabinet October 2019	https://democracy.thanet.gov.uk/
Museum Association, Museum Survey 2018	Museumassociation.org
Mendoza Review, November 2017	www.gov.uk
Executive, Policy and Community Safety Scrutiny Panel Committee Meeting 27th September 2018	https://democracy.thanet.gov.uk/mgAi.aspx?ID=33079

Corporate Consultation

Finance	Matthew Sanham, Interim Head of Financial Services & Procurement
Legal	Sophia Nartey, Interim Head of Legal Services