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By email

Jeff Stack
Chief Executive
Broxbourne Borough Council

Dear Sir

DECISION BY CABINET TO CLOSE LOWEWOOD MUSEUM

This is a joint letter sent on behalf of the Friends of Lowewood Museum and The Hoddesdon Society to formally raise our concerns about several procedural deficiencies arising from the decision to close Lowewood Museum made at the Cabinet meeting of 19 December 2019. This letter focuses on the procedural issues only and we will be writing a separate letter about the wider issues to all Councillors.

References in this letter to the "Constitution" are references to the 2010 constitution updated in 2015 on your website.

You will appreciate that timescales for potential legal remedies available in relation to Council decisions are tight, so we would be grateful for a written response by 28 January 2020.

1. THE CONSTITUTION REQUIRES THIS DECISION TO BE DECIDED BY THE FULL COUNCIL

- 1.1 Part 4C, section 3(a) confirms that the Cabinet "*may only take decisions which are in line with the budget and policy framework*". Any decisions which are contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by full council, "*must only be taken by the council*" (unless any of the provisions of urgency apply, which they do not in this case).
- 1.2 The decision to close Lowewood Museum is not a decision which is wholly "*in line with the budget and policy framework*". It is a decision which falls outside "*the budget and policy framework*" for the following reasons:

- 1.2.1 It is contrary to stated priorities in the Corporate Plan and the Sustainable Community strategy.
- 1.2.1.1 In the Corporate Plan, the Council has identified three main priorities for its vision for the Borough. The second of these is:
- “Enhancing the quality of life: The green, clean, safe and pleasant environment that Broxbourne residents appreciate, and also the less tangible – good health, and the sense of belonging to a friendly, welcoming community, brought together by shared social, cultural, sporting and volunteering activities and pride in the Borough.”*
- 1.2.1.2 Cultural activities and pride in our Borough and our shared history and culture are, quite rightly, at the centre of the Borough’s vision. The Borough recognises the importance of “intangible” benefits to our communities. Corporate objective 12 is to “*encourage a sense of community through events, leisure activities and volunteering*”.
- 1.2.1.3 This theme is expanded on in the Sustainable Community Strategy (2010-2021) (“SCS”), Theme 8 is “Stronger Communities”. Priorities for action included “*Develop initiatives to foster togetherness, and an increased feeling of belonging*” and “*Encourage intergenerational activity to support mutual learning and understanding between generations*”.
- 1.2.1.4 Theme 3 of the SCS is “Children and Young People”. Education, wellbeing and social cohesion are, of course, at the heart of the Borough’s policies.
- 1.2.1.5 The closure of Lowewood Museum deprives the community of a vital service and reduces the Borough’s educational offering to its youngest residents. Lowewood Museum is a hugely valuable community resource which enables residents to learn about our shared history and culture through unique artefacts and documents. It is a place which is uniquely able to address and provide a sense of history, understanding and belonging. If closed, our Borough is left with no other repository for our cultural and historical heritage.
- 1.2.1.6 The Museum runs workshops in Borough schools (both at the museum and as an outreach programme) which teach the next generation about their history, heritage and culture, engage them with other generations, and give them an invaluable sense of place and identity.
- 1.2.1.7 There are countless articles about how museums encourage wellbeing. The Museum also does outreach work with dementia and stroke patients. It is a resource which could be further developed.
- 1.2.1.8 The report presented to the Cabinet on Lowewood Museum, extraordinarily, made no assessment of the non-financial value and contributions to the Council’s cultural, community and educational policies (see further below at 3). There is only one mention of Lowewood Museum’s contribution to the Borough’s schools (and its dementia and stroke patients) through its outreach programme, in a single sentence in the Equalities Act statement. Local schools have been shocked to discover that the Council has taken the decision to close the Museum. It appears that they were not consulted.
- 1.2.1.9 As the Museums Association says in their guide “*Museums facing Closure: Legal and Ethical Issues*” (the “MA Closure Guidance”), “*Closing a museum denies the public access to their heritage and significantly undermines the human right to culture.*”
- 1.2.2 There are other procedural deficiencies which indicate that a final decision should not have been possible at that time
- 1.2.2.1 Not only is the closure of Lowewood Museum contrary to the policy framework (or, at the very least, not wholly in line with it, which is the test under the Constitution), the decision was taken:

- (i) Without adequate consultation (see section 2 below).
- (ii) Without a proper consideration of the non-financial community, cultural and educational value that Lowewood Museum offers (see section 3 below).
- (iii) Without an adequate consideration of impacts under the Equality Act (which is a statutory requirement) (see section 4 below).
- (iv) Without fully considering all possible options for Lowewood Museum (see section 5 below).

These are each dealt with below.

1.2.3 No proper notice was given that a final decision was to be taken

1.2.3.1 Further, there was a failure to make it sufficiently clear to the public that the Cabinet's decision was to be a final decision for closure.

1.2.3.2 The agenda for the Cabinet meeting identified that the decision to be taken was "*To set out the current position and outline some options for the Lowewood museum*". This does not suggest that a final decision was to be taken at the Cabinet meeting. Neither the Friends of Lowewood nor The Hoddesdon Society (nor any other interested party) were aware that this was the case. The report attached to this agenda does indicate that the recommendation was for closure, but the purpose of the report was stated to be "*to set out the current position and identify a possible closure process*".

2 THERE WAS NO ADEQUATE CONSULTATION

2.1 Consultation is at the core of the Council's relationship with the community.

2.2 Part 4, para 2.4 of the Constitution says that "*all reports to the Cabinet... must contain details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and the outcome of that consultation*". The Constitution also says that "*The level of consultation required will be appropriate to the nature of the matter under consideration*".

2.3 Principle C of the Local Code of Governance, which forms part of the Council's policy framework, recognises that its decisions have a long term impact on the community. "*Defining outcomes in terms of sustainable economic, social and environmental benefits*" is therefore an essential element of any decision. The Local Code of Governance explains that the Council does this via its various plans and strategies and also by "*ensuring that decision making takes account of these and the effects on residents and paying due regard to the public sector equality duty*" (see further below at 4). The Local Code also says that "*input from all groups of stakeholders, including residents, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available*".

2.4 It is recognised that the Council held meetings with the Friends of Lowewood and explored some options with them and a meeting was held with Love Hoddesdon BID.

2.5 The consultation relied on the Council in its report is one carried out in 2016. The report notes that this consultation "*offered a number of alternative suggestions in order to achieve the required savings target. One of the suggestions was "cease funding Lowewood Museum" and at that time was the eighth most agreed option (out of 35)*".

- 2.6 This consultation was not adequate to support the closure of a museum. It asked residents to tick the options they would prefer to make the £2.3m savings needed. The actual text relating to Lowewood was "*Cease funding of Lowewood Museum (the Council will seek opportunities for re-siting and enhancing which may provide scope to grow the business to eliminate the cost)*". The language here is of "re-siting", of "enhancing, and of "opportunity" for Lowewood – it does not refer to the removal of it altogether. Ticking this box cannot be interpreted as supporting the closure of Lowewood.
- 2.7 The Council's report on this consultation confirms that only 731 responses were received in total. The report notes that at October 2015 there were 36,332 chargeable dwellings for council tax purposes, meaning "*a response rate from residents*" is the equivalent of 2.09%. In fact, that is the response rate from households; the response rate from (there was a resident population of over 96,000 in 2015), would be very significantly lower. No real conclusions can be drawn from a consultation with such a poor response rate.
- 2.8 In fact, the only conclusion that can be drawn is that the grand total of 258 individual residents across a borough with 36,332 chargeable dwellings and 96,000 residents, ticked a box indicating that they would support the Borough ceasing funding Lowewood Museum (on the understanding that the Borough would look into "re-siting", "enhancing" and "opportunities", as the text indicates). By way of comparison, closure of the Spotlight was selected by 118 people.
- 2.9 More significantly, both (i) a council tax increase of £5 and (ii) a one off council tax increase of £65 were supported by more people than ticked the Lowewood box (351 and 291 responses respectively). The Council has decided not to increase council tax, which could be sufficient to support Lowewood Museum, even though the consultation shows clearly that those who responded would prefer to pay more council tax. Remarkably, the Council did not consider that the higher level of responses for increased council tax (the third and fifth most selected option) supported any action towards increasing council tax – but yet it seems to believe (as the report indicates) that it could be supportive of the closure of Lowewood Museum.
- 2.10 As an aside, perhaps the Council ought to have considered why there was such a poor response rate. The design of the consultation was highly flawed. Some entries related to specific community provisions which residents of some areas would be unlikely to know about, and so would be unlikely to select. There were other issues with the way in which the consultation was delivered and presented to the public.
- 2.11 An article in the Mercury this week says now that "*a spokesperson for Broxbourne Council Council has said [that]...the 2016 consultation was not used as a reason to close the museum*". If this is the case, then (i) the Council has failed to consult with the public at all (save for those two groups referred to at 2.4 above) and (ii) the report presented to the Cabinet is incorrect and, worse, misleading, as it clearly gives the impression that the Council does rely on that 2016 consultation. The Leader of the Council referred to the 2016 consultation in the meeting with the Friends of Lowewood Museum in support of the Council's case for closure.
- 2.12 As referred to above, the only other consultation we are aware of has been with the Friends of Lowewood Museum and a meeting with Love Hoddesdon BID to explore possible options.
- 2.13 We are not aware that the Council has consulted with any of the schools who will be losing the outreach services offered by the Museum, nor with any other local interest group.
- 2.14 If the Council's position now is that it does not rely on the 2016 consultation, then it has knowingly taken a decision which deprives the community of a much-loved cultural resource with no consultation with residents. Any reliance on the 2016 consultation would be

insufficient, for the reasons set out below. Either way, this level of consultation is not in accordance with the spirit of the Constitution or the Local Code of Governance. It is even more concerning if the Council now takes the view that it does not need any proper consultation with its residents.

- 2.15 That there has been no proper public consultation is all the more extraordinary given that Lowewood Museum is a community amenity housed in a building given to the Borough for use by the people of Hoddesdon. This is an issue that residents feel very strongly about; indeed the petition to save Lowewood Museum (which will be presented to the Council formally in due course) has now been signed by over 2,700 people (very significantly more than the 258 people who ticked the Lowewood Museum box in the 2016 “consultation”).

3 INADEQUATE ANALYSIS WHICH FAILS TO CONSIDER THE NON-FINANCIAL VALUE OF LOWEWOOD MUSEUM

- 3.1 As noted above, the Borough’s Corporate Plan acknowledges the importance of “intangible” benefits which are so important to culture and community identity and cohesion. We have set out above some aspects of the value offered by Lowewood Museum, including its outreach programme to schools and local people with dementia and stroke issues.
- 3.2 The report placed before the Borough fails to place any value whatsoever on these benefits. This is not in the spirit of Principle C of the Local Code of Governance and, more importantly, it fails to take into account the real value of Lowewood Museum to the residents of the Borough, who the Council are elected to represent.

4 INADEQUATE CONSIDERATION OF EQUALITY ACT IMPLICATIONS

- 4.1 Under the Equality Act 2010, public bodies are required to consider the impact of the decisions on groups with protected characteristics.
- 4.2 The report presented to the Cabinet states that: “*There are no general equalities implications as the museum is available to all sections of the community. EFDC currently provides outreach services to schools and for people with dementia and stroke victims and therefore these groups may be adversely affected when the SLA terminates*”.
- 4.3 So, the Council considers that the closure of Lowewood Museum does have equalities implications on the youngest and some of the most vulnerable. We do not consider that the Council gives sufficient weight to these implications. It is particularly concerning that there is no further assessment on the impact on the Borough’s educational and well-being provision.
- 4.4 The closure will also have a disproportionate effect on the elderly, which is not mentioned. A number of studies have shown the beneficial effect that museums can have on the mental health and wellbeing of older people. Lowewood Museum has recognised this. It designed an outreach programme for residential and nursing homes and other community groups using “memory boxes”. These boxes can be used for reminiscence therapy (see <https://lowewoodmuseum.com/tag/memory/>) and helps people connect with their identity and our shared history. This programme offers real value to some of our most vulnerable residents – yet the Council’s report refers to it in only one sentence in the Equalities statement (again highlighting the failure to make a meaningful assessment of the non-financial value offered by Lowewood Museum).
- 4.5 Further, we suggest that the Council has not considered the Equality Act impact of the closure on the following related respects:

- (i) Lowewood Museum garden holds the Holocaust Memorial monument. There appears to have been no consideration of how this monument will be appropriately treated and kept available to the public if Lowewood Museum is sold.
- (ii) The Museum holds a wealth of information about the Borough's Italian and Ukrainian groups, who are a key part of the history of our Borough.

5 FAILURE TO EXHAUST ALL OTHER OPTIONS

- 5.1 The MA Guide notes that "*A public body has a duty to ensure that it has identified and examined **every viable proposal** to avoid a decision to close the museum [our emphasis]. The judicial review on the closure of Snibston Museum in 2015 showed that an active search for feasible partnerships may be necessary to fend off the risk of permanent loss of access by the public to the collections*".
- 5.2 The Council has failed in its duty to identify and examine all possible alternatives. It is appreciated that the Council has considered some options. However, it has failed to invest sufficient time, effort and creativity. As just one example, no consideration has been given to a combination of a funded curator supported by volunteers. Despite a corporate responsibility to "*promote inward investment*" (one of your three corporate priorities), which the Museum has demonstrably achieved (for example, the Pulham and Newsreel projects), the Council is instead limiting any future income and community benefits.
- 5.3 An alternative solution would have been an increase in council tax, which was the option preferred by the residents in the "consultation".

6 SCRUTINY COMMITTEE

- 6.1 We are concerned that the Scrutiny Committee also fell short of requirements by allowing a report to be placed before the Cabinet which failed to address the above issues. In particular, the failure to consult with educational stakeholders and local community groups other than the Friends of Lowewood Museum and Love Hoddesdon BID should have been of considerable concern.
- 6.2 If the spokesperson from the Council quoted in the Mercury is correct, and the 2016 consultation was not relied on by the Council, then we are concerned that the Scrutiny Committee has either (i) been misled by a report which suggests that that consultation was relevant and supportive of closure, and so carried out its review with misleading / incomplete information or (ii) if the Scrutiny Committee was aware that the 2016 consultation was not relied upon, then it has failed to identify that insufficient consultation was carried out (and therefore the Constitution and Local Code of Governance had not been complied with).

Leaving aside the procedural issues set out above, it is remarkable that the Council felt that a final decision of this significance was appropriate to be taken by a five-person Cabinet. This is an issue that residents feel very strongly about. The Lowewood building was gifted by Douglas Taylor to be used by the people of Hoddesdon and is a much-loved community asset. Its closure will be a very real diminishing of the cultural and educational provision to your residents. This is something that should have been (and should be) considered by all of the councillors appointed to represent your residents' views.

We believe that, on the basis of the above:

1. The decision by the Cabinet is invalid.
2. The decision should be considered by the full Council.

3. In advance of any such decision: (i) further analysis should be carried out to properly consider the non-financial values to the community, (ii) other options should be explored and (iii) a proper consultation of residents should take place.

We would be grateful to have your response to this in writing by 28 January 2020.

Yours sincerely

David Dent
Friends of Lowewood Museum

Guy Lipyeat
Chair, The Hoddesdon Society