

CABINET

14 November 2017

Title: Lease Arrangements for the East End Women's Museum	
Report of the Cabinet Member for Community Engagement and Leadership	
Open Report	For Decision
Wards Affected: Abbey	Key Decision: Yes
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Accountable Director: Paul Hogan, Commissioning Director for Culture and Recreation	
Accountable Strategic Director: John East, Strategic Director: Growth and Homes	
Summary <p>It has been a long-held priority of the Council leadership to establish a permanent resource in the Borough to promote women's history. This ambition is also referenced in the Borough's heritage and culture strategies.</p> <p>Officers have been working with heritage professionals and Eastside Community Heritage to realise this aspiration through the establishment of the East End Women's Museum in Barking.</p> <p>It is intended that the East End Women's Museum will be a public history project aiming to record, share, and celebrate women's stories and voices from east London's history.</p> <p>As part of the s106 agreement for the housing development on Abbey Road in Barking, the Council will be assigned the ground floor premises of one of the housing blocks via a long-term lease at a peppercorn.</p> <p>This report seeks approval to grant a lease of those premises to the East End Women's Museum, which has been established as a community interest company and will be operated as an independent organisation at arms-length to the Council.</p>	
Recommendation(s) <p>The Cabinet is recommended to:</p> <p>(i) Authorise the Chief Executive, in consultation with the Director of Law and Governance, to grant a 30-year lease for ground floor retail premises at the Be:Here housing development on Abbey Road, Barking, for the East End Women's Museum, subject to satisfactory negotiation of the lease and associated requirements; and</p>	

- (ii) Authorise the Chief Executive, in the event that it is not possible to enter into a lease agreement with the East End Women's Museum, to enter into a lease on the same terms with another cultural organisation.

Reasons

To assist the Council in achieving its corporate priorities in relation to:

- **Encouraging civic pride**
 - Build pride, respect and cohesion across our borough
 - Promote a welcoming, safe, and resilient community
 - Build civic responsibility and help residents shape their quality of life
- **Enabling social responsibility**
 - Support residents to take responsibility for themselves, their homes and their community.
 - Ensure children and young people are well-educated and realise their potential.
- **Growing the borough**
 - Support investment in housing, leisure, the creative industries and public spaces to enhance our environment.
 - Enhance the borough's image to attract investment and business growth.
- **Well run organisation**
 - Promote equalities in the workforce and community
 - Continue to manage finances efficiently, looking for ways to make savings, generate income, and be innovative in service delivery.

1. Introduction and Background

- 1.1 It has been a long-held priority of the Council leadership to establish a permanent resource in the Borough to promote women's history. This ambition is also referenced in the Borough's heritage and culture strategies.
- 1.2 Officers have been working with heritage professionals and Eastside Community Heritage to realise this aspiration through the establishment of the East End Women's Museum in Barking.
- 1.3 It is intended that the East End Women's Museum will be a public history project aiming to record, share, and celebrate women's stories and voices from east London's history.
- 1.4 As well as gathering oral histories, objects, and images from local residents in Barking and Dagenham, the Museum will draw on the borough's archives and acquisitions from their recent Collecting Cultures project. The Museum will make use of several other collections which may include:
- Eastside Community Heritage's extensive East London People's Archive
 - TUC Library
 - Women's Library

- Women In Engineering Society papers at the Institution of Engineering and Technology
- Bishopsgate Institute Library
- Feminist Library
- Working Class Movement Library
- People's History Museum.

1.5 The following outcomes for residents are anticipated:

- Local residents will have an opportunity to learn about the area's history and to contribute their voices and experiences, building a sense of ownership and pride in the borough's heritage.
- Local women will have stronger links with their own history of economic contribution, cultural influence, and civic participation, building a sense of empowerment.
- Girls and young women in the borough will have been presented with positive role models from the region's history and examples of young women's strength and resourcefulness.
- Girls and young women will have opportunities to learn about heritage themes which are traditionally presented as 'masculine', including politics, union activism, science, engineering and manufacturing.

2. Proposals and Issues

- 2.1 The East End Women's Museum was established as a Community Interest Company in 2017. It will be operated as an independent entity at arms-length to the Council.
- 2.2 As part of the s106 agreement for the Be:Here housing development on Abbey Road in Barking, the developer will grant the Council a 250 year lease on a ground floor retail premises for education and museum use at a peppercorn rent and finished to a 'shell and core' standard.
- 2.3 It is a condition of the lease that if the premises remain vacant for a period of 12 months or more, the developer is entitled to take back possession. There will also be a service charges payable of no more than £1.00 per square foot.
- 2.4 The intention is to lease the premises to the East End Women's Museum for a 30-year term and this report recommends that delegated authority is given to the Chief Executive, in consultation with the Director of Law and Governance, to finalise the lease arrangements. In line with the standard council procedure, it is envisaged that the lease will be on commercial rent terms; however, when the lease terms are negotiated it could be decided that the rent does not have to be at market value since the East End Women's Museum is 'acting for the benefit of the Council, its area or persons' resident or present in the area'.
- 2.5 The East End Women's Museum will be responsible for fitting out the premises and will be liable for the annual service charge and all running costs. The lease will be on a full repairing basis and will include a 'keep open' clause to ensure that, if

necessary, action can be taken in a timely way to ensure that the premises do not revert back to the developer.

3. Options Appraisal

- 3.1 The options available to the Cabinet are to approve the proposed lease or to reject it.
- 3.2 Not to approve the lease would mean that there is no realistic means of meeting the leadership's aspirations for a women's museum in the borough.
- 3.3 Therefore, the Cabinet is recommended to approve the recommendation to enter into a long-term lease with any specific terms and conditions they consider appropriate.

4. Consultation

- 4.1 The Leader of the Council, Deputy Leader and Cabinet Member for Community Leadership and Engagement, and the Cabinet Member for Equalities and Cohesion have been involved in shaping the development of this proposal. As has the Council's heritage, planning and regeneration services and the Assets and Capital Board.
- 4.2 Public meetings and promotional events have been held to inform local people about the proposals for the Museum and to encourage interested people to become directly involved in its operation.
- 4.3 Following a successful funding bid to the Heritage Lottery Fund, there will be an extensive 'pop up' programme including talks, exhibitions, film screenings, oral history and reminiscence workshops during 2018 to engage with local people about the museum and to gather artefacts and other material for the museum collection.

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager, Service Finance

- 5.1 There are no direct financial implications for the Council. The preferred option would see the leased premises operated at no cost to the Council by the East End Women's Museum via a long-term lease. However, it should be noted that if the East End Women's Museum fails to meet the terms of the lease the premises would revert to the Council.
- 5.2 If this occurred it is likely that the Council would incur revenue costs, which have not been budgeted for, until a new management arrangement could be put in place.

6. Legal Implications

Implications completed by: Sayida Hafeez, Property Solicitor

- 6.1 In accordance with the Constitution, Part 4, Chapter 4 (Land Acquisition and Disposal Rules), Section 2.2 (Control by the Cabinet), the disposal of all property

either long-lease (over 20 years) or by the sale of the freehold must be approved by the Cabinet.

- 6.2 As part of the s106 agreement for the Be:Here housing development on Abbey Road in Barking, the developer will grant the Council a 250 year lease on a ground floor retail property for education and museum use at a peppercorn rent.
- 6.3 The Council will retain the long leasehold interest and will seek to grant a long lease for a term of 30 years to the East End Women's Museum. Heads of Terms will be agreed between the Council and the East End Women's Museum and it is envisaged that the lease will be on the basis of a full repairing and insuring lease so that the Council does not bear the cost of repair and maintenance of the Property. The Legal Practice should be consulted on the preparation and completion of the lease.
- 6.4 The Council will also enter into a management agreement with the East End Women's Museum to deal with the management of the Centre.
- 6.5 The Chief Executive can agree the terms of the lease and management agreements in consultation with the Chief Financial Officer (Constitution Land Acquisition and Disposals Rules refer) and on the advice of Property Services and the Legal Practice.
- 6.6 The Council has powers pursuant to section 123 of the Local Government Act 1972 to dispose of land 'in any manner they see fit' for the 'best price reasonably obtainable' unless the Secretary of State consents to the disposal or that the transaction is to further local economic, social and environmental well-being and the 'undervalue' (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is two million pounds or less. Therefore, the Council could decide the rent does not have to be market value since the East End Women's Museum is acting for the benefit of the Council, its area or persons' resident or present in the area; however, the rent over the 30-year term should not exceed two million pounds.
- 6.7 The Council has a general power of competence under section 1 of the Localism Act although, as always, its application of these powers must be carefully considered and appropriate to the relevant circumstances. Section 1 of the Localism Act gives the Council the legal capacity to do anything that individuals can do that is not specifically prohibited. These powers give the Council more freedom to work together with others to do creative, innovative things to meet local people's needs. Therefore, the long-held priority of the Council to establish a long-term resource in the Borough to promote women's history would be met.
- 6.8 In addition, Members will need to be satisfied that an Equality Impact Assessment has been carried out. The Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination and to advance equality of opportunity between persons who do and those who do not share a relevant 'protected characteristic'.
- 6.9 Public bodies are therefore required to have regard to the need to eliminate discrimination, advance equal opportunities and foster good relationships between different people when undertaking activities. Additionally, this provision encourages

public bodies to understand how different people will be affected by their activities, so that their policies are appropriate and meet different people's needs.

7. Other Implications

7.1 Risk Management - The following risks have been identified in relation to this proposal:

- i) The Community Interest Company that has been set up to deliver the East End Women's Museum does not have the necessary skills or capacity to successfully manage the facility. This risk is mitigated by the involvement of Eastside Community Heritage and the museum founders to secure advice and support to enable the Museum to be appropriately constituted, and to build capacity.
- ii) The Museum folds for some reason. It is recognised that many groups have been run ably by individuals for many years but they will not be able to do so for ever. If the Museum was to cease operating, the lease would be terminated, and the property would return to the control of the Council. There would then be the opportunity to advertise it to the community to seek another managing organisation for a long lease.
- iii) The Community Interest Company managing the Museum could activate the lease break clause. In this case, the Council would need to consider its position at the time, and could proceed to advertise the opportunity to the wider community, but the continued availability of the Museum's facilities and services to the community could not be guaranteed.
- iv) If the Community Interest Company does fold and/or the lease is terminated, charges on the property and/or external funding obligations may remain unfulfilled. The drafting of the lease will seek to ensure that any obligations entered into by the East End Women's Museum remain the legal duty of the Community Interest Company and do not revert to the Council in the case of termination.
- v) The Museum becomes used exclusively by one group in the community, without achieving the wider social objectives for which they were designed. This risk will be mitigated by the insertion of a requirement in the lease's management agreement that the facility must remain fully accessible to all in the community. Failure to comply would constitute a breach of the lease agreement. Also the Council could of course review whether it is appropriate to continue to provide a grant to offset the commercial rent being paid by the East End Women's Museum.
- vi) The Community Interest Company cannot find funding sources to enable them to do the necessary works to the Museum that may arise over the life of the lease. There is evidence to suggest that the governance arrangements for the Museum are robust and the people involved have the necessary skills, knowledge and experience to enable them to bid to all relevant funding bodies. It is also anticipated that the Community Interest Company may wish to use the

skills of local people where appropriate to complete works with the aim of increasing their affordability.

- 7.2 **Customer Impact** - Provisions will be inserted into lease with the community association to ensure that the Community Centre remains accessible by all groups in the community. This should mitigate the risk of impacts on equality groups and customers.
- 7.3 **Health issues** – The Museum will provide a safe, comfortable and accessible space and outreach programme where local people can meet, socialise and participate in a range of activities including those that will support health and wellbeing.
- 7.4 **Safeguarding Vulnerable Adults and Children** - It is expected that the Museum will provide a programme of positive and diversionary activities for children and young people. Officers will work with the Community Interest Company managing the Museum to establish robust safeguarding policies and procedures
- 7.5 **Crime and Disorder Issues** - The Council has a statutory duty to consider crime and disorder implications in all its decision making. In delivering this strategy and action plan, the Council will be providing quality facilities and activities, which will provide positive activities for all residents and, in particular, opportunities for families to enjoy their leisure time together.
- 7.6 **Property / Asset Issues** - It is intended that the terms of the lease will require the Community Association to repair, maintain and insure the facilities. Regular monitoring by Property Services will ensure that the Community Association are complying with the lease conditions, enabling action to be taken as appropriate if any are in breach.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None