

**Agenda item:**

<b>Title of meeting:</b>	Culture, Leisure and Sport Decision Meeting
<b>Date of meeting:</b>	13 December 2013
<b>Subject:</b>	Return of Portrait Miniature
<b>Report by:</b>	Head of City Development and Cultural Services
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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**1. Purpose of report**

- 1.1 To obtain permission to return a recently accessioned item to its owner or his agent.

**2. Recommendations**

- 2.1 To formally de-accession a portrait miniature reputedly depicting the Duke of Buckingham, accession number 2013/1010.**
- 2.2 To return the portrait miniature to its owner.**
- 2.3 Introduce a two week cooling off period between receiving a donation and formally accessioning it to mitigate against this situation arising again.**

**3. Background**

- 3.1 The removal of any formally accessioned item from the councils museum collections has to be formally agreed by the Council in this case the Cabinet Member for Culture Leisure and Sport (see PCC Collection Development Plan 2013-18, Disposal Procedures).
- 3.2 The item concerned was recently accepted for the collection, acting in good faith. However, further information has come to light concerning ownership.

**4. Reasons for recommendations**

4.1 The supposed donor does not have clear legal title to the item. It is owned by a third party and the donor, her brother and solicitor have lasting power of attorney jointly, so the donor herself was not in a position to donate the item individually without agreement of all the other parties. The gift was therefore invalid.

**5. Equality impact assessment (EIA)**

5.1 An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

**6. Legal Implications**

6.1 The provision of documented proof of title prior to transfer will provide a means by which ownership rights can be demonstrated. In instances of doubt, or high value, this may be insisted upon in future.

**7. Head of Finance Comments**

7.1 There are no on-going financial implications associated with the recommendations contained within this report. The costs arising from returning this item to its owner and the future proposed actions will be met from existing budgets.

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Signed by:  
**Stephen Baily**  
**Head of City Development and Cultural Services**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
PCC Collection Development Plan 2013-18 Disposal Procedures	

The recommendation(s) set out above were approved/ approved as amended/ deferred/  
rejected by Cabinet Member for Culture Leisure and Sport on 13 December 2013

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Signed by:  
**Cabinet Member for Culture Leisure and Sport**