

Notice of Non-key Executive Decision

Subject Heading:	Donation of archaeological artefacts retrieved by MOLA at the New Green site formerly known as Napier, New Plymouth via a Deed of Transfer.
Cabinet Member:	Councillor Graham Williamson Cabinet Member for Development and Regeneration
SLT Lead:	Neil Stubbings - Director of Regeneration
Report Author and contact details:	Maria Faheem Maria.Faheem@havering.gov.uk
Policy context:	London Plan 2021 Havering Local Plan 2016-2031 HRA Business Plan 2023-2052 Havering Climate Change Action Plan 2021
Financial summary:	This report seeks approval for the Director of Regeneration to enter into the deed of transfer to donate archaeological artefacts to MOLA found at Napier New Plymouth. The findings do not have financial value but only research value. There are no financial implications arising from this decision.
Relevant OSC:	Places OSSC
Is this decision Exempt from being called-in?	Yes, it is a non-key decision

Non-key Executive Decision

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy (X)

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval for the Strategic Director of Place (formerly Director of Regeneration) to:

- (a) approve the donation of findings excavated at Napier House and New Plymouth House to the Board of Governors of the Museum of London (MOLA);
- (b) enter into a Deed of Transfer with MOLA relating to the findings excavated at Napier House and New Plymouth House, Dunedin Road, Havering. The finds do not have financial value but only research value.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3 Powers of Members of the Senior Leadership Team (SLT)

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.

STATEMENT OF THE REASONS FOR THE DECISION

In 2020 Museum of London Archaeology (MOLA) carried out some archaeological evaluation and excavation work at New Green (formerly known as Napier New Plymouth) site.

There were 19 artefacts in total recovered from the site listed at Appendix A with two items discarded by MOLA after recovery. Under English law these belong to the landowner, i.e. London Borough of Havering.

The particular artefacts found at Napier and New Plymouth are fragmentary and of little importance archaeologically to anyone other than a specialist researcher. The importance of these objects lies in being part of a resource that provides the raw material for further research, informing museum displays and teaching collections and giving every member of society access to the evidence for our shared past.

Non-key Executive Decision

Historic England, as statutory advisors on archaeology to local authorities in London, the profession's Chartered Institute of Archaeologists and the Society of Museum Archaeologists all strongly encourage landowners to donate archaeological objects to local repositories. The designated museum for the records and artefacts from this work, and for the majority of work in Greater London, is the Museum of London's Archaeological Archive. Here they are likely to be studied regularly in combination with those from adjacent sites.

In order for MOLA to curate the archives a Deed of Transfer document is required to transfer ownership.

The Museum will take custody of the finds once the ownership is transferred to them through the signed Deed of Transfer and MOLA will deposit the archive with them.

The items are currently with MOLA at their premises at Mortimer Wheeler House, London.

MOLA will move the finds (x 3 boxes) to the Museum of London Archive where they will be curated. No costs are involved for transportation as MOLA are in the same building. MOLA pays a fee for the deposition of the archive (including records and finds).

The Council owns the artefacts and has the unfettered right to transfer ownership and possession of the artefacts to the Museum.

There are no charges, encumbrances or third party rights attached to the artefacts that would affect the transfer.

OTHER OPTIONS CONSIDERED AND REJECTED

Option to not transfer the items has been considered and rejected.

PRE-DECISION CONSULTATION

The Council is not under any duty to consult on this decision (statutory or otherwise) outside of the Council's governance processes; general consultation has taken place with Director of Regeneration.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Maria Faheem

Designation: Regeneration Manager

Signature: 

Date: 07.07.23

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

As the artefacts are not designated as treasure, the Council is not under a legal obligation to transfer them to the Museum under the Treasure Act 1996. However, the Council is able to exercise its general power of competence under section 1 of the Localism Act 2011 to do anything that individuals can generally do as long as there are no statutory bars. The recommendations in this report are in keeping with these powers.

The Council is the owner of the archaeological artefacts found during the excavation. The Deed of Transfer ensures the title and the risk in the artifacts will pass to the Museum on delivery.

The Deed of Transfer requires the Council to make warranties that:

- a) ownership of the artefacts are vested exclusively in the Council and that the Council has the unfettered right to transfer ownership and possession of the artefacts;
- b) the artefacts are free of all charges, encumbrances and third party rights and no right has been granted in respect of them which would affect the transfer of title;
- c) the Council will at its own cost, take all steps which are or may be necessary at any time to cure any defects in the title to the artefacts; and
- d) it or its contractors have complied with all of the requirements of the Treasure Act 1996 and all other legislative requirements relating to the excavation.

The Council must also indemnify the Museum against any and all claims, demands, proceedings, costs, expenses, loss or damage, of whatever nature which may be made or brought against or incurred by the Museum arising out of or in connection with any breach of such warranties.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications arising from this decision.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no HR implications arising from this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are no Equalities or Social Inclusion implications arising from this decision.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no environmental or climate change implications arising from this decision.

Non-key Executive Decision

BACKGROUND PAPERS

NONE.

Appendices:

Appendix A- Artefacts List NNP

Appendix B- Deed of Transfer MOLA NNP

Non-key Executive Decision

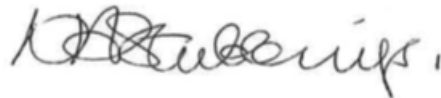
Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker



Signed

Name: Neil Stubbings

Date: 10.07.23

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____