

**Executive**

29 August 2019

Report of the Director of Children, Education and Communities  
Portfolio of the Executive Member for Culture, Leisure and Communities

## **Future of Centaurs**

### **Summary**

1. This report concerns the future of a pair of marble sculptures purchased by the council in the 1940s: *Young Centaur (tempted by love)* and *Old Centaur (bound by love)*, both probably carved by Bartolomeo Cavaceppi (1716-1799) in Rome in around 1755.

### **Recommendations**

2. The Executive is asked to agree to accession the Centaurs into the council's museum collections.

### **Background**

3. These two marble sculptures were commissioned by the Marquis of Rockingham in the 18<sup>th</sup> Century and housed at Wentworth Woodhouse. They were purchased by York City Council at auction in 1949 as the Wentworth Woodhouse estate was broken up. They were placed in the Assembly Rooms in 1950 in two of the wall niches.
4. In 1975 they were formally loaned to York Art Gallery by the Estates Committee of the council as the Assembly Rooms location was not judged to be appropriate to display them effectively. They were not, however, formally accessioned to the city's museum collections. At some stage the council's museum service put them in storage.
5. In 2012, when reviewing and cataloguing the stored collections, YMT noted that the statues in their storage were not part of the museum collections and sought to return them to their correct owner. It seems that, because the sculptures had once been displayed in the Assembly Rooms, and because the Assembly Rooms had been sold, in 2002, to York Conservation Trust (YCT), YMT transferred them to YCT.

6. The Council's records, however, show that the sculptures were not on site when the Assembly Rooms were transferred, and had not been for many years; they were not mentioned in the sale particulars and they were not listed in the inventory. Nonetheless, YCT have, since 2012, worked on the basis that the sculptures belong to them and have subsequently asserted their ownership of them. The situation was compounded in 2016 when the original wooden plinths for the figures were requested by YCT. As the items were not accessioned into the YMT collections, YMT agreed to transfer the plinths to YCT. YMT informed CYC of this.
7. With the agreement of both YCT and CYC the sculptures were recently sent on temporary loan to YMT for display in the National Gallery Masterpiece Tour 2019: Poussin's 'Triumph of Pan' exhibition at York Art Gallery between 13 July and 22 September 2019. After this exhibition they will be returned to YCT.

### **Proposal**

8. In discussion between council officers and York Conservation Trust it has been established that the YCT board would be willing to transfer the sculptures to the city's museum collections. These collections are owned by the council, and managed by YMT under a long-term loan and management agreement.
9. This would resolve the ownership question in the council's favour and ensure that these works can be publically displayed for the benefit of York residents. These are eye-catching and impressive works that relate to a long history of connoisseurship and collecting, especially in relation to the Grand Tour, and of the attraction of discovering ancient sculpture, of making copies, and of reimagining and combining classical designs. The local links of these works are also important including their previous ownership by Wentworth Woodhouse, prior to their purchase at auction by the council in 1949, and their display history within both the Assembly Rooms and York Art Gallery.
10. The sculptures are aligned with York Art Gallery's collection, particularly in consideration to the position defined in the Collection Development Policy jointly agreed by YMT and CYC. They meet the priorities set out in this policy including: distinctiveness within the collection, making an important contribution to the Gallery's survey of Western art, their creation at a date well within the stated collection period (i.e. post-medieval period to the present day), possessing a Yorkshire connection through their association with Wentworth Woodhouse, and developing our understanding of the existent Fine

Art and sculpture collection, as demonstrated through the current exhibition.

### **Options**

11. The principal options open to the Executive are:
  - To accession the sculptures into the Council's museum collections
  - To seek return of the sculptures from YCT for the purpose of selling them

### **Analysis**

12. Accessioning the sculptures into the city's collections will ensure that the people of York benefit from these outstanding works in perpetuity and that they are properly conserved. It will also resolve the question of ownership.
13. To pursue return of the statues for the purposes of selling them may incur cost, will have an uncertain outcome, and will damage relationships with YCT. Assuming they were returned on this basis, the subsequent sale of the objects would undoubtedly incur reputational damage for the Council as is always the case when councils seek to sell heritage assets from their collections.
14. It would be in the interests of the city to retain these significant assets within the council's ownership and for the benefit of residents and visitors to the city. For these reasons it is recommended to accession the sculptures into the city's museum collections.

### **Implications**

15. **Finance:** It is the Council's policy not to seek valuations of items in its collections for reasons of security; however, the level at which the items have been insured in connection with the current temporary exhibition are shown in the confidential annex.
16. **Legal:**
  - Option 1: accession of the sculptures into the council's museum collections will require Legal Service's input on the negotiation and drafting of an appropriate agreement between the council and YCT which (*inter-alia*) will be subject to compliance with the council's own CPRs and FPRs and the council's current museum loan and management arrangements with YMT.
  - Option 2: pursuing return of the sculptures from YCT may require the instruction of external legal advisers, managed and overseen

by Legal Services, to conduct legal proceedings against YCT for the recovery of the sculptures as well as due diligence to establish proof of ownership (at the time of writing, without having carried out such a full due diligence exercise, it's unclear how successful such a claim may be). Negotiation may be required in relation to an appropriate settlement and transfer of ownership in due course subject to (*inter-alia*) will be subject to compliance with the council's own CPRs and FPRs and the council's current museum loan and management arrangements with YMT.

17. There are no additional Equalities, Property, Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

### **Risk Management**

18. In compliance with the Council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to damage to the Council's reputation and failure to meet stakeholders' expectations. The level of risk is assessed as "Medium".

### **Annex**

Insurance value of the sculptures.

### **Contact Details**

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<b>Report Approved</b> ✓	<b>Date:</b> 19 August, 2019	
<b>Specialist Implications Officers:</b>		
<b>Wards Affected:</b>	<b>All</b>	✓

**For further information please contact the author of the report**