

# Reviewing Committee on the Export of Works of Art And Objects of Cultural Interest

## Triennial Review

### Stage One

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## **Section 1: Terms of Reference and methodology**

The terms of reference of this Triennial Review of the Reviewing Committee on the Export of Works of Art (RCEWA or “the Committee”) are:

- i. To provide robust evidence on the continuing need for the RCEWA in terms of its functions and form; and
- ii. To review its governance arrangements to ensure compliance with the corporate governance principles contained in the Cabinet Office Triennial Review Guidance.

**Stage One** of the review looks at three questions:

- a) Do the key functions of the RCEWA continue to be appropriate in terms of delivering the Government’s objectives?
- b) If so, are these functions most effectively and cost-efficiently provided at arm’s-length from Government and, more specifically, by means of an advisory non-departmental public body (NDPB)?
- c) Is the current location of the body (with support provided by the Acquisitions Exports Loans and Collections Unit (AELCU) at Arts Council England (QCE) the most appropriate?

**Stage Two** of the review has looked at whether the RCEWA operates in accordance with the recognised principles of corporate governance by being open, transparent and accountable.

The review was led by the Department for Culture, Media and Sport (DCMS) and was overseen by a Review Group with members drawn from key stakeholders in the export licensing process. The Lead Reviewer was Hillary Bauer (Head of the International and Cultural Property Unit, DCMS). The Review Group was made up of:

- **Sophie Marmont**, Public Bodies Reform Team, DCMS
- **Anthony Browne**, Chairman, British Art Market Federation

- **Karen Brookfield**, Deputy Director of Strategy and Business Development, Heritage Lottery Fund/National Heritage Memorial Fund (NHMF).

- **Dawson Carr**, Curator of Italian and Spanish Painting 1600–1800, National Gallery, and expert adviser to the RCEWA

The Review Group agreed the Terms of Reference for the Review and has been consulted on a regular basis.

The review was first announced in Parliament on 15 December 2011. Further details of the review were published on the DCMS website on 13 January 2012 and stakeholders were invited to contribute views on the key questions for Stage One.

Key stakeholders fall into three broad categories: the Nation as a whole, and our museums and galleries in particular, having an overall interest in retaining nationally important cultural objects within the UK; the art market (principally auction houses and dealers); and purchasers or owners wishing to export objects that may meet the “Waverley” criteria (see Section 2 below).

A total of twenty-three organisations from across these sectors were contacted directly to alert them to the review and invite them to contribute views including the Culture Select Committee. The deadline for contributions was Friday 10 February 2012.

Six contributions were received, from:

- Cymal /Museums Archives and Libraries Wales
- The National Heritage Memorial Fund/Heritage Lottery Fund
- The National Archives
- Tate
- Sotheby’s
- Christie’s

These six contributions and a draft report of Stage One of the review were shared with the Review Group on 23<sup>rd</sup> February 2012. The Group commented and approved the draft, which was discussed and approved at a meeting on 27 February and then shared with the chair of the RCEWA Lord Inglewood.

**The next step** was to undertake Stage Two of the review. Stages One and Two were submitted in December to the Culture Minister, Ed Vaizey, and then announced in Parliament and published on the DCMS website.

## Section 2 – Background to the RCEWA

The RCEWA is an Advisory Non-Departmental Public Body (NDPB) sponsored by DCMS. It was established originally in 1952 following the recommendations of the Committee Chaired by Viscount Waverley<sup>1</sup> which reported in September of that year.<sup>2</sup> Its continuing role is as follows:

- *to advise on the principles which should govern the control of export of objects of cultural interest under the Export Control Act 2002 and on the operation of the export control system generally;*
- *to advise **the Secretary of State** on all cases where refusal of an export licence for an object of cultural interest is suggested on grounds of national importance; and*
- *to advise in cases where a special Exchequer grant is needed towards the purchase of an object that would otherwise be exported.*

The purpose of the export control is to give an opportunity for the retention in this country of cultural objects considered to be of outstanding national importance according to the “Waverley” criteria last revised in 2010.<sup>3</sup> The system is designed to strike a balance, as fairly as possible, between the various interests concerned in any application for an export licence: the protection of the national heritage and the need to keep nationally important cultural objects in this country; the rights of the owner selling the goods; the exporter or overseas purchaser; and the position and reputation of the UK as a thriving international art market.

The Committee operates in the context of both the EU and UK export licensing regimes for cultural objects.

### Procedures of the Committee

<sup>1</sup> The Committee was appointed by the Chancellor of the Exchequer in Oct. 1950 ‘to consider and advise on the policy to be adopted by His Majesty’s Government in controlling the export of works of art, books, manuscripts, armour and antiques and to recommend what arrangements should be made for the practical operation of the policy.’ The Right Hon. the Viscount Waverley (John Anderson, 1882-1958) was appointed Chairman. The Secretary to the Committee set [out the Committee’s] principles: (1) That all objects considered by the responsible experts to be of national importance should be liable to control. (2) That the decision whether a given piece is to be classed as of national importance should be taken on its merits and not influenced by extraneous financial or other circumstances. (3) ... regulations should not be so drafted as to exclude what we may perhaps call the ‘contemporary antique’ ...; (4) That the needs of science are just as valid for this purpose as those of fine art. *Royal Anthropological Institute papers.*

<sup>3</sup> The Waverley" criteria are:

History	Aesthetics	Scholarship
Is it so closely connected with our history and national life that its departure would be a misfortune?	Is it of outstanding aesthetic importance?	Is it of outstanding significance for the study of some particular branch of art, learning or history?
<b>Waverley 1</b>	<b>Waverley 2</b>	<b>Waverley 3</b>

All applications for export licences for cultural objects which have been in the UK for more than 50 years and are valued above certain thresholds *must* be referred to expert advisers, normally located in national museums and galleries, to determine whether they are potentially of national importance. If the experts so recommend, then the object is considered at a hearing by the Committee.

Prior to the meeting at which the object is to be considered, owners or their agents are invited to submit a written statement as to why, in their opinion, the object does **not** satisfy any of the Waverley criteria, or any other arguments as to why the licence **should** be granted. The Expert Adviser likewise submits a written statement as to why he or she believes the object satisfies one or more of the Waverley criteria. The Secretary to the Committee ensures that all parties see both statements one week before the meeting.

At the meeting, there is an opportunity for both the owner and the Expert Adviser to add to their written statements and to ask questions of each other. The Committee members may also ask questions of either party. The owner must arrange for the object under consideration to be transported to the Committee venue unless, exceptionally, the Committee agrees to undertake a visit because the object is too large or fragile to be transported.

The Committee must operate within the principles of the European Convention on Human Rights right to free enjoyment of personal property, where proportionate interference is allowed in respect of objects deemed to be of national importance<sup>4</sup>.

In practice, when the Committee recommend that an export licence should be refused, a recommendation is also made as to the period which should be allowed for a matching offer to be made by any institution or person in order to compensate the owner at a fair market price. The Committee has wide discretion as to the length of the deferral period. If the owner refuses to accept a matching offer during the deferral period, then the export licence is refused and the owner may not apply for a new licence, unless material facts have changed, for a period of ten years. If no matching offer is made, then an export licence is issued.

The Minister's decision on any recommendation made to him is published by means of a joint press release by DCMS and Arts Council England, placed on both websites and drawn to the specific attention of a number of stakeholders. A "champion" is appointed, normally from the body whose expert objected to the export licence application, for each object recommended for deferral. The champion's role is to alert potential purchasers to

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<sup>4</sup> The right under Article 1 of the first protocol to the European Convention on Human Rights: *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

the deferral of the export licence for the object and the invitation to make a matching offer to purchase it.

Full guidance on the Export licensing procedures can be found in the publication *UK Export Licensing for Cultural Goods: Procedures and guidance for exporters of works of art and other cultural goods* on the Arts Council's website.<sup>5</sup>

The RCEWA meets monthly (with the exception of August) unless no cases have been referred to it by the expert advisers. Meetings normally last between 2 and 6 hours, depending on how many case hearings are required and the length of the policy agenda.

There is no remuneration for the chairmanship or membership of the RCEWA and appointments are made by the Secretary of State for Culture, Media and Sport in line with the Code of Practice of the Commissioner for Public Appointments. The Committee is made up of 8 independent experts each of whom has expertise in one or more fields (paintings, furniture, manuscripts and so on) and the **current membership** is as follows:

Lord Inglewood (Chair)

Member of the House of Lords and Fellow of the Society of Antiquaries (FSA).  
Parliamentary Under Secretary of State in the Department of National Heritage between 1995-97 and Conservative Spokesman on Legal Affairs in the European Parliament 1989-94 and 1999-2004.

Professor David Ekserdjian

Professor of the History of Art and Film, University of Leicester.  
Specialism on the Committee: Italian Renaissance paintings and drawings and European sculpture.

Philippa Glanville

Trustee of the Geffrye Museum, member of the Westminster Abbey Fabric Commission, Curatorial Adviser at the Harley Foundation and President of the Silver Society.  
Specialism on the Committee: Silver and the history of collecting.

Simon Swynfen Jervis

Former Director of Historic Buildings at the National Trust, currently a Director and Trustee of The Burlington Magazine, Chairman of the Furniture History Society, Chairman of the Walpole Society and Chairman of the Leche Trust.  
Specialism on the Committee: Furniture and historic buildings.

Dr Catherine Johns

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<sup>5</sup> [www.artscouncil.org.uk/what-we-do/supporting-museums/cultural-property/export-controls/export-licensing/](http://www.artscouncil.org.uk/what-we-do/supporting-museums/cultural-property/export-controls/export-licensing/)

Former curator of the Romano-British collections at the British Museum and former Chair of the Society of Jewellery Historians.

Specialism on the Committee: Antiquities, especially from the Roman period.

#### Lowell Libson

Lowell Libson is an art dealer and Managing Director and Proprietor of Lowell Libson Ltd which specialises in British paintings, watercolours and drawings of the seventeenth to twentieth centuries.

Specialism on the Committee: The picture market and British works of the 17th – 20th centuries.

#### Aidan Weston Lewis

Aidan Weston-Lewis has worked at the National Gallery of Scotland since 1992, where he is Chief Curator, with responsibility for the Italian and Spanish collections.

Specialism on the Committee: Italian paintings and drawings, 15th to 17th centuries and 17th century Spanish paintings and drawings.

#### Dr Christopher Wright

Former Head of Manuscripts at the British Library, Fellow of the Society of Antiquities and a Fellow of the Royal Historical Society.

Specialism on the Committee: Manuscripts and archives.

### **ADMINISTRATIVE SUPPORT**

**Administrative support** for the RCEWA was provided by officials at DCMS until 2005, when various cultural property functions were transferred to the then Museums, Libraries and Archives Council (MLA), which in consequence set up the Acquisitions, Export and Loans Unit to handle the work that was additional to their ongoing support for the Acceptance in Lieu Panel.<sup>6</sup> This Unit was transferred to Arts Council England with effect from 1 October 2011 on the abolition of the MLA, where it has become the Acquisitions, Exports, Loans and Collections Unit (AELC Unit).

The figure included within the sums transferred by DCMS to Arts Council England on the abolition of MLA included a notional sum of £60,000 pa to cover staffing costs of the Secretariat to the Committee (plus pension and National Insurance contributions) to which should be added £10,000 pa for the expenses of the Committee, whose members are unpaid.

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<sup>6</sup> Panel which advises the Secretary of State on offers of items of cultural and historical importance to the State in full or part payment of their inheritance tax, capital transfer tax or estate duty.

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### **Section 3 - Do the key functions of the RCEWA continue to be appropriate in terms of delivering the Government's objectives?**

The Government's objective is to ensure that a fair system is maintained to retain in the UK, as far as possible, items of national importance (so called "national treasures"), as defined by independent experts; and giving a fair hearing to all parties and balancing overall the interests of the varying stakeholders. For this regime to be effective, it is important that all stakeholders should have trust and confidence in the established procedures. These must be seen to be fair, thorough, independent and transparent.

The RCEWA plays a crucial role in the EU and UK export licensing regimes for cultural goods. Its key functions are set out in the Committee's *Terms of Reference* (see Section 2 above). Approximately 12,000 export licences are issued annually for around circa 55,000 individual cultural objects and of these between 20 and 40 objects may be referred to the Committee as being of potential national importance.<sup>7</sup>

From the stakeholder views that were contributed to the review, it is clear that there is continuing support for these functions. All respondents said that the RCEWA's key functions should continue.

The National Heritage Memorial Fund/ Heritage Lottery Fund (HLF) said: *This is still a valuable function that needs to be undertaken in order to try to retain items of national importance within the UK.*

The National Archives commented that *"We would see the key function of the RC continuing to be appropriate in terms of delivering the Government's objectives. The Committee functions well as a means of balancing (1) the need to preserve the national heritage intact as a crucial cultural asset driving sustainable economic activity through tourism and supporting a sense of identity and community with (2) the needs of a thriving international market in art, other artefacts and written material.*

Tate wrote *"The Waverley Criteria have shown themselves to be appropriate and effective in reviewing the importance of works [of art] or objects ..."*

Sotheby's said *"Generally we find the process a good one, it works in practice and it is our perception that it does not act as a serious deterrent to overseas*

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<sup>7</sup> (A single licence may cover more than one object.)

*buyers participating in the UK art market. This is due in particular to the transparency of the process.”*

If the RCEWA’s functions were not delivered by such an independent body and impartial and expert advice provided to the Secretary of State, he would be unable to carry out his proper function of determining which licences for cultural objects of national importance should be deferred to allow for a matching offer to be made. The system which has (broadly) been in place since 1952 is tried and tested as a means to try to stem the flow of such objects from our shores whilst balancing the interests of all parties involved. At its broadest and together with other measures in place, such as the Acceptance in Lieu Scheme, it helps to ensure that our national and regional collections continue to provide a world-class cultural “offer” and contribute to the attractiveness of the UK as a destination.

Annual Reports of the Committee’s work have been produced since 1952, the Report for 2010-2011 being the 57<sup>th</sup> overall and the seventh since the regime was enshrined in the Export Control Act 2002. On average the Committee hears between 20 and 40 cases per year and whilst, inevitably, it is more difficult for matching offers to be made for the most expensive objects, nevertheless many notable successes are achieved each year and the “saved” objects are then almost always placed on permanent public display.

***Recommendation 1: The review recommends that the key functions of the RCEWA continue to be appropriate in terms of delivering the Government’s objectives.***

**Section 4 - Are these functions most effectively and cost-efficiently provided at arm's-length from Government and, more specifically, through an advisory non-departmental public body?**

All the stakeholder views that were contributed to the review agreed that the RCEWA's functions are best provided at arm's-length from Government.

*Tate said: "An independent Committee of the kind currently in place is essential in order to avoid conflict of interest and to give authority to the system by which a Secretary of State can be given expert advice as to whether to defer an export licence for an object of cultural interest. If Government were to undertake the review itself, there is a risk that applicants would feel that the scales would be weighted against them and so the effectiveness of the process would be prejudiced."*

*Museums, Archives and Libraries Wales commented: "We consider the RCEWA "model" to be an appropriate and effective means of drawing on the expertise of independent experts to advise government on the principles which govern the control of cultural objects. [...] This key function, advising on the priority of items for funding and exploring ways to retain nationally important items within Britain remains relevant."*

*HLF said: We would support the principle that these functions are best provided at an arm's-length relationship with Government. It allows for appropriate experts to provide the high quality, in-depth advice that is required as part of the decision making process. We are aware of the intense and considered discussion on items under discussion for an export licence and believe this is best achieved through a committee of individual experts.*

*The National Archives commented: " Any such arrangement [as bringing the function of the Committee within the machinery of a government department] would be likely to be less credible with dealers in heritage material and might lead to direct legal challenges if owners felt their rights to dispose of their property were being constrained without independent assessment. The Committee is able to draw on knowledge and expertise not available in central government."*

*Christies wrote: "We agree that the Committee's functions should be provided at arm's-length from Govt (sic) through an advisory NDPB. Although the final decision on export deferral rests with the Secretary of State for culture, it is*

*important that he receives advice which is both expert and impartial to inform his decision...”*

### **The Three Tests**

The review has considered the Government’s three tests for whether a function should be carried out by an Arm’s-length Body:

- is it a technical function?
- is it a function which needs to be, and be seen to be, delivered with absolute impartiality (such as certain regulatory or funding functions)?
- is it a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?

#### **Does it perform a technical function?**

It is clear that the RCEWA’s functions require specialist expertise. The Committee has a very specific function in relation to applications for export licences which require specialist technical knowledge across a wide range of artistic disciplines, together with a broad appreciation of the importance of national heritage (see terms of reference at Section 2 above).

#### **2. Do its activities require political impartiality?**

Although there are no direct party political interests involved, it is important that the functions should be provided with absolute impartiality in balancing the interests of all the different stakeholders. This is a basic requirement but more important is impartiality between the different interests that need to be balanced during this process: the vendors and those who act for them (including auctioneers and dealers); the experts in the national institutions who consider the object may potentially meet the Waverley criteria and be deemed an object of national importance; and the institutions (or occasionally individuals) who may wish to acquire the object in order for it to remain in the UK.

#### **3. Does it need to act independently to establish facts?**

This is also critical and all respondents to the consultation emphasised the need for the Secretary of State to receive independent advice from experts in their field, who are likely only to be found outside Government (indeed this has always been the case, since the Committee was first established in 1952). The RCEWA’s function of advising the Secretary of State in circumstances where an export licence should be deferred (and an owner’s property rights interfered with in this way) needs to be delivered independently, in order to help ensure that the cases are considered with integrity and impartiality. Most stakeholders commented on this function in particular (see at Section 4 above).

**The review has considered whether there are alternative delivery options for the RCEWA's functions.** All the alternative delivery models as set out in Annex A of the Cabinet Office *Guidance on Reviews of Non Departmental Public Bodies* were considered. Some were ruled out as inappropriate for an advisory body and the review focused on the more viable alternative delivery models.

- **Move to local government?** The RCEWA's functions need to be provided at a national level and they require a high degree of specialist expertise. It would not be appropriate or effective for local government to take them on.
- **Move to the voluntary sector?** In some senses the functions are already carried out by the voluntary sector. Neither the Chair nor the members of the Committee are paid; they offer their time and expertise for free. The Arts Council England, which provides administrative support, is a charity. There is no real prospect of any other voluntary organisation having the necessary expertise and providing such administrative services and it would in any case not be appropriate to rely on a wholly voluntary organisation to provide such crucial support for statutory duties. In addition, it might be more difficult for a voluntary organisation to be seen to be impartial by all the stakeholders involved.
- **Move to the private sector?** Given that the functions of the Committee are highly specialised and also that the members are all independent and from outside Government, it is difficult to see what benefits could accrue from moving this advisory NDPB into the private sector. Should DCMS pay a private company to provide administrative support to the RCEWA, then it would be more difficult to ask members of the Committee to volunteer their time for free, if this support was to be delivered by a profit-making concern. It would also be more difficult for a private company to be seen to be impartial and thorough by all the very varied stakeholders involved. The additional costs of using the private sector (including VAT costs), as well as the costs set out above, would make this option less cost-efficient and the synergies with the other work of Arts Council England and the experienced professionals working within the AELC Unit would be lost.
- **Bring back into DCMS?** Administrative support was provided by DCMS officials until 2005, when the functions were transferred to the then Museums, Libraries and Archives Council in line with recommendations made by Sir Nicholas Goodison.<sup>8</sup> This has placed a satisfactory distance between the experts and Ministers at DCMS whom they advise and who then decide whether or not to accept the Recommendations of the Committee. The Department also plays a strategic and policy-making role in the process, whilst properly being at arm's-length from the committee's own deliberations. Moreover, the

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<sup>8</sup> Report by Sir Nicholas Goodison to HM Treasury 2004: *Securing the Best for our Museums. Private Giving and Government Support*.

small and decreasing number of DCMS officials responsible for policy in this area cannot maintain the level of specialist expertise, or the links to whole of the sector, available within the AELC Unit at Arts Council England.

- **Merge with another body?** Administrative support is already merged with another body in the sense that it is currently provided by Arts Council England's Acquisitions, Exports Loans and Collections Unit which also administers the Government Indemnity Scheme and provides support to the Acceptance in Lieu Panel. It is shortly also to take on the administration of the Cultural Gifts Scheme (through that same Panel). It would not be possible to merge the RCEWA into Arts Council England (or another body) as the lines of accountability must be directly to Ministers as the Committee has a requirement to provide the Secretary of State with independent advice on the export of works of art.
- **Delivery by a new body** – This is not recommended, not least because of the potential loss of expertise through such a transfer and because there would be considerable resource implications in setting up a new body for such a very limited advisory function. This would also involve duplication of numerous back office functions provided by Arts Council England, such as HR, payroll, and IT.

***Recommendation 2: The RCEWA's functions are most effectively and cost-efficiently provided at arm's-length from Government through an advisory non-departmental public body.***

COMMENTS: See again the comments at Section 4 above. Sotheby's also commented "*[The committee] successfully advise[s] on the principle governing the control of the export of objects through a combination (and this is essential) of published guidance and expert help from the Unit in dealing with specific queries.*"

***Recommendation 3: Stage Two of the Triennial Review should consider whether and how the transparency of the RCEWA might be enhanced.***

Just one stakeholder raised the issue of transparency. Sotheby's commented: *Generally we find the process a good one, it works in practice and it is our perception that it does not act as a serious deterrent to overseas buyers participating in the UK art market. This is due in particular to the transparency of the process.*

Without commenting specifically on this point, Christie's said: *"We believe that the operation of the Committee and of the export control system in general, is generally fair and works well.*

**Section 5 - Is the current location of the body (with support provided by the Unit at Arts Council England) the most appropriate?**

COMMENT: Stakeholders indicated strong support for the RCEWA to continue to be supported by the Acquisitions, Exports and Loans and Collections Unit at Arts Council England.

Museums Archives and Libraries Wales wrote: *The AELCU at Arts Council England is the administrative centre for a variety of key functions relating to cultural property on behalf of the Secretary of State; the Unit deals with the issue of pre-eminence in a variety of contexts, including Acceptance in lieu of inheritance tax and will administer the proposed new Cultural Gifts Scheme. Providing support for RCEWA appears to fit naturally within the scope of the Unit.*

Christies wrote: *“We are not aware of any other organisation that would be more appropriate than Arts Council England.*

HLF commented: *“The previous system, where the Committee was supported by Museums, Libraries and Archives Council, worked effectively and we would argue that continuity is important following the transfer of functions from MLA to Arts Council England.*

The National Archives commented: *“[...] we would certainly see the Arts Council England unit named as having the most appropriate set of skills and experience to support the Committee if it decided to maintain the committee under the sponsorship of DCMS. This activity complements Arts Council England’s specialist work on government indemnity and acceptance in lieu of [inheritance] tax.*

Tate wrote in their covering letter: *“Tate is of the strong opinion that the committee should continue in its present form.”*

It is clear that the AELC Unit at the Arts Council offers a number of important synergies and benefits, including:

- Synergies between various different aspects of the protection of UK cultural property handled within the Unit and especially the Acceptance in Lieu Scheme
- An unbroken track record of experience and expertise in the process
- relationships with a large range of sector operators
- a reputation which has earned the trust of different stakeholders
- expertise in the objects themselves

- capacity (although this is under pressure with the forthcoming advent of the new Cultural Gifts Scheme)

Locating the RCEWA Secretariat at the AELC Unit at Arts Council England exploits these benefits with maximum efficiency.

***Recommendation 4: The RCEWA's functions are most effectively provided at arm's-length from government through an advisory NDPB with administrative support from the AELC Unit Arts Council England.***

Given that, first, these functions were transferred from within the DCMS to the MLA in 2005, which established a specific unit to handle this and other cultural property functions and, second, on the abolition of the MLA in 2011, all the members of the Unit with function intact passed to the AELC Unit at Arts Council England in October 2011, there is no obvious reason to transfer them elsewhere. This is in the view of the fact widely acknowledged that the very good service provided by the Unit has continued without interruption in its new location within Arts Council England. There are also prospects of further integration with Arts Council England, such as for improved IT functionality, which are outside the scope of this Review.

#### Further comments

The NHMF, which is one of the few major potential sources of funding for export stopped items, commented "*NHMF finds information on items refused an export licence useful in providing our Board of Trustees with an early warning system of portable heritage items that may become the subject of a [grant] application. Although the Fund is reactive by nature, it is useful to have an overview of potential cases both in terms of the potential ask of the fund and the time frame within which it may fall.*

Some stakeholders commented on other aspects of the regime, including several who emphasised the crucial importance of keeping the Secretariat to the Committee and its meetings in London because it is the centre of the UK Art Market, the location of the majority of the expert advisers to the Committee and of the stakeholders (and members of the Advisory Council to the Committee). These issues, however, are outside the scope of this review.

## Section 6 - Summary of Recommendations

There is clearly support for the functions of the RCEWA to continue to be carried out and supported by the Acquisitions Exports Loans and Collections Unit, located in Arts Council England. The paucity of response to the consultation and the supportive responses from the six actual respondents to the three key questions suggest that the continuing existence of the RCEWA is seen as uncontroversial to the general public and necessary to those key stakeholders. It is perhaps an indication of the general satisfaction with the Committee that, despite being invited to do so, few organisations have contributed to this Review, and those who did so professed themselves satisfied. Confidence can also be measured by the number of people, representing a very wide range of organisations, that attend the annual Advisory Council when the draft Annual Report is debated and issues of interest and concern discussed. Taken together, these factors suggest that the Committee and the important functions that it delivers, are supporting these particular Government objectives effectively. The fact that there were only six contributions from stakeholders suggests that the questions asked by Stage One of this review are widely seen as uncontroversial. Where stakeholders expressed concerns, they were about other issues which are outside the scope of this review.

Stage One of this Triennial Review therefore makes the following recommendations:

***Recommendation 1: The key functions of the RCEWA continue to be appropriate in terms of delivering the Government's objectives.***

***Recommendation 2: The RCEWA's functions are most effectively and cost-efficiently provided at arm's-length from Government through an advisory non-departmental public body.***

***Recommendation 3: Stage Two of the Triennial Review should consider whether and how the transparency of the RCEWA might be enhanced.***

***Recommendation 4: The RCEWA's functions are most effectively and cost-efficiently provided at arm's-length from government through an advisory NDPB with administrative support from the AELC Unit at Arts Council England.***