

**Investigation into the removal of ‘Capo’, a sculpture by Vincent Woropay
conducted by James Doble, Assistant Director : Governance and Registration (Monitoring
Officer)**

1.0 Background

- 1.1 On Tuesday 31 January contractors operating on behalf of the Council very seriously damaged ‘Capo’ a sculpture by Vincent Woropay (1951 – 2002), who was a fellow of the British School in Rome and an artist of international standing. The sculpture was built of bricks and commissioned for the City Council for the 1986 National Garden Festival. It was moved from storage to its current location with planning permission in 2009. The contractors were engaged by the Council to expand the Marina Way Roundabout, widening the entrance to festival park and connecting to the newly opened Etruria Valley Link Road.
- 1.2 The event was reported to the Council by social media and as soon as it was reported, immediate action was taken by the Council to recover and preserve the remains of the sculpture which was in many pieces. The Council has pledged to restore the sculpture.

2.0 Investigation

- 2.1 Following the request of the Council Leader, I was asked by the City Director to investigate how this issue occurred, what decisions were taken and by who, to determine where responsibility rests for the actions that took place and what action should be taken. I have been requested to report back through the City Director to the Leader of the Council with my findings.
- 2.2 This report only considers decision making with regard to this incident i.e. the sculpture and Marina Way works.
- 2.3 It should be noted that this report does not consider the merits or feasibility of removing and retaining the sculpture or disposing of it.
- 2.4. It should be noted that none of the Leader of the Council, City Director and the Director of Housing Development and Growth had prior knowledge of the issue until the incident had taken place. All three took immediate action to establish what had happened with the Leader of the Council requesting and publicly instigating an investigation.

3.0 Interviews and Documentary Evidence

- 3.1 I have interviewed all officers with involvement and/or responsibility.
- 3.2 I have considered various documentary evidence including Cabinet reports, draft Chief officer reports, emails, Task Order, purchase order and excavation submission.

4.0 Findings

- 4.1 There are not the correct approvals in place to proceed with Marina Way works or to appoint Galliford Try, as the Chief Officer had not signed off the works in line with the original Cabinet delegation.
- 4.2 The sculpture does not have any special protection or lie within a conservation area so there was no action required with respect to the land use planning process or any other legal requirements.
- 4.2 The Task Order was placed without checking there was an authorisation in place. (It should be noted that this signature is preloaded on to forms and the relevant officer is unlikely to have personally approved this.)
- 4.3 The Purchase Order was placed by an officer without checking there was an authorisation in place.
- 4.4 The works were allowed to proceed without an authorisation in place.
- 4.5 The Cabinet Member did not make a decision to remove or destroy the sculpture, nor did he have the authority to make such a decision; constitutionally, he could only be consulted or asked for his view, which he gave based on the incomplete information he was provided with.
- 4.6 The Contractors Galliford Try carried out the Council's instruction and have no culpability, that is, they did not make a mistake.

6.0 Recommendations

- 6.1 That a Chief Officer decision be made retrospectively and published with regard to the Marina Way works and formally appointing Galliford Try.
- 6.2 A member consultation email template be introduced so that it is absolutely clear what Cabinet Members are being asked to do and where delegated decision-making authority lies
- 6.3 That the City Director provide guidance to Directorates on how consultation with elected members should take place to ensure that there is no misconception as to roles and responsibilities.
- 6.5 Officers must assure themselves of who has authority to make decisions and this should be demonstrated in reports; management should regularly test this understanding through 1-2-1's, PLAN's and the Councils Assurance/Accountability conversations.
- 6.6 Any regeneration scheme involving a site that contains a work of art, heritage asset or listed structure must have signed Director approval for the scheme before work may commence and that this approval must be based on an expert cultural assessment.

I will provide any disciplinary and human resources recommendations separately.

James Doble

Assistant Director Governance and Registration and Monitoring Officer, 1 March 2023