

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

**Reference Number:**

4630

**Author:**

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**Department:**

Resident Services

**Contact:**

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**Subject:**

Acquisition of Portrait of D H Lawrence for Museum Collection

**Total Value:**

Exempt from publication included in confidential annex (Type: Revenue)

**Decision Being Taken:**

To accept funding [including grant aid and public donations] to purchase the last-known portrait painting of the famous Nottinghamshire born writer D H Lawrence for the collection of Nottingham City Museums and to deliver a related programme of events and activities at Newstead Abbey and in Nottingham City Libraries. The purchase and programme will be met without revenue or capital impact on Council budget.

**Reasons for the Decision(s)**

This project centres on the purchase of the last-known portrait painting of the famous Nottinghamshire born writer D H Lawrence, created shortly before his untimely death in March 1930. It was painted by Dutch artist, Joep Nicolas (1897-1972), better known as a stained glass painter of some repute. Nicolas was the brother-in-law to the novelist Aldous Huxley (1894 - 1963), the iconic author of Brave New World (1932), who was a close friend of Lawrence. Late in 1929, while travelling from Spain to Germany, the Lawrences called on the Huxleys in Suresnes, France, where Nicolas also happened to be staying, and so the chance arose for Nicolas to paint Lawrence's portrait.

This resulted in one of the few portraits of Lawrence painted during the writer's lifetime and - almost certainly - the final one. In March 1925, Lawrence had been diagnosed with the double infirmity of tuberculosis and malaria and he died at the Villa Robermond, Vence, on 2nd March 1930, shortly after the visit where he sat for this portrait..

The portrait has been offered for sale to Nottingham by a private collector in the USA. Appropriate due diligence checks have confirmed that the provenance for the work is secure.

D H Lawrence is synonymous with Nottingham and Nottinghamshire and was a prolific author. Best known for his controversial novel Lady Chatterley's Lover, he was a prolific author of many novels, short stories, poems and essays. He is considered one of the most significant authors of 20th C literature and his works are celebrated worldwide.

The project was presented and approved at the Officer Group of the Capital Board with a recommendation to proceed with the recommendation accordingly.

It is anticipated that the final approval of the Capital Board on 18th May will confirm authority to proceed with the acquisition, subject to the approval of the Portfolio Holder.

**Briefing notes documents:**

Acquisition of Portrait of D H Lawrence for Museum Collection - Briefing Note.docx

**Other Options Considered:**

It would be possible not to proceed, and not to accept the grants offered for the purpose of acquiring the art work. However, the acquisition relates strongly to a number of themes in the collections and to Nottingham's status as an UNESCO City of Literature. It has already begun to open up new possibilities for work between the Museums Service and Library Service and adds rich potential to literacy and creative writing programmes at Newstead Abbey.

The cost of purchasing the portrait is fully met by a combination of external funding and support from partners and public donations. The main funders of the acquisition assess and award grants on the basis of the quality and significance of an artwork/artefact, value for money and relevance to the particular museum collection. Local interest in the acquisition is evidenced by enthusiastic support for the acquisition from Nottingham UNESCO City of Literature; the Friends of Nottingham City Museums; Nottingham City Libraries; DH Lawrence Society; the D.H. Lawrence Birthplace Museum and the University of Nottingham (whose Manuscripts and Special Collections is a nationally-designated archive and holds the most extensive D.H. Lawrence Collection outside the USA).

The portrait has been transported to Nottingham at the expense of the current owner, to help with fundraising efforts. Grants are offered, and need to be claimed within a limited timeframe.

The Service would not have the funds available to fund the purchase of an artwork of this scale and impact from current revenue or similarly fund it in future from its own resources.

Should the painting not be acquired, then it would return immediately to the USA and the supporting programme of learning and engagement would not take place.

**Background Papers:**

None

**Published Works:**

None

**Affected Wards:**

Citywide

**Colleague / Councillor Interests:**

None

**Any Information Exempt from publication:**

Yes

**Exempt Information:**

**Description of what is exempt:**

**Vendor name and breakdown of costs and financial support in Annexe are exempt from publication.**  
**These relate to the business or financial affairs of the vendor and publication could prejudice the negotiations with the vendor [Negotiations for purchase and grant aid have been predicated on such confidentiality until formal contracts are in place following approval..**  
**Image is exempt from publication, to avoid infringement of copyright of artist's estate.**

**An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972**

**3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the details relate to the business or financial affairs of the vendor and publication could prejudice the negotiations with the vendor [Negotiations for purchase and grant aid have been predicated on confidentiality of substantial discount from vendor].**

**Documents exempt from publication:**

**D H Lawrence Portrait DDM Report Confidential Annexe.docx, D H Lawrence Portrait DDM Finance Comments Exempt.docx**

**Consultations:**

**Date: 07/02/2022**  
**Other City Council Bodies:Lynda Naylor**  
**Contributed to Activity plan and successful outcome of grant awards**

**Date: 03/09/2021**  
**Other:DH Lawrence Society UNE\$SCO City of Literature University of Nottingham - D H Lawrence Study Centre University of Nottingham - Special Collections DH Lawrence Birthplace Museum Friends of Nottingham Museums A range of potential funders for grants**

**Awards of offer include:**  
D H Lawrence Society  
Friends of Nottingham Museums

**Letters of Support from:**  
UNESCO City of Literature  
University of Nottingham  
DH Lawrence Birthplace Museum

**Those not consulted are not directly affected by the decision.**

**Crime and Disorder Implications:**

**None directly, however, the activity programme will seek to involve local communities in cultural activity, especially from disadvantaged communities.**

**Equality:**

**EIA not required. Reasons: The decision does not relate to change in policy, service or functions.**

**Decision Type:**

**Portfolio Holder**

**Subject to Call In:**

**Yes**

**Call In Expiry date:**

**25/05/2022**

**Advice Sought:**

**Legal, Finance, Procurement**

**Legal Advice:**

**This decision raises no significant legal issues. The purchase will be made partly with grant funding and accordingly, it is important that all grant terms and conditions are met, failing which there is the risk of clawback of grant from the council. Advice provided by Sarah O'Bradaigh (senior solicitor) on 22/04/2022.**

**Finance Advice:**

**This advice is exempt from publication and is contained within an exempt appendix**

**Procurement Advice:**

**There are no procurement concerns with the decision being requested. Acquisition of unique works of art by is expressly permitted by direct negotiation with the owners under regulation 32(2)(b)(i) of the Public Contracts Regulations 2015 (albeit that the value in this instance is below the threshold at which the Regulations apply). An 'Exemption from Procurement Regulations' has been approved by the Section 151 Officer**

**and so Contracts Procedure Rules are satisfied. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 21/04/2022.**

**Signatures**

**Pavlos Kotsonis (Portfolio Holder for Leisure, Culture and Planning)**

**SIGNED and Dated: 17/05/2022**

**Frank Jordan (Corporate Director, Resident Services)**

**SIGNED and Dated: 18/05/2022**