

Tom Minogue

From: "Andrew Ferguson" <Andrew.Ferguson@fife.gov.uk>
To: <tomminogue@btinternet.com>; "Ronnie Hinds" <Ronnie.Hinds@fife.gov.uk>
Cc: "Joan Lamie" <Joan.Lamie@fife.gov.uk>; "Michael McArdle" <Michael.McArdle@fife.gov.uk>;
"Robert Gourlay" <Robert.Gourlay@fife.gov.uk>
Sent: 07 September 2007 15:09
Subject: Re: For the attention of Ronnie Hinds -- Moveable common good assets

Dear Mr Minogue

With reference to your query on the Dunfermline Provost's regalia, I confirm that these are held on the Dunfermline Common Good. They are insured under a different list from the schedule that was sent to you. A full, comprehensive list of common good assets - heritable and moveable - is still under preparation and will be progressed as staff resources allow.

The Tiffany Window will form part of the heritable asset known as the Carnegie Hall as it is part of the fabric of that asset.

I trust this answers these two queries.

Yours sincerely,

Andrew

Please note new phone number, below

Andrew Ferguson
Solicitor,
Democratic Services Team Leader
Law and Administration
Fife House
Glenrothes, Fife KY7 5LT
DX 561506

NB Please note my new number: 08451 555555 ext (following prompt) 442241

>>> "Tom Minogue" <tomminogue@btinternet.com> 04/09/2007 14:47 >>>

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Ronald Hinds, Chief Executive

Fife Council

Fife House

Glenrothes

Fife

KY7 5LT

Tuesday 4th September 2007

By E-mail and first class post

Dear Sir,

Moveable Common Good Assets

You are of course aware that in connection with my researches aimed at establishing the extent of the common good assets which are held in trust by the Fife Council on behalf of the people of the Burgh of Dunfermline I asked your predecessor Douglas Sinclair for a list of the common good assets in 2005.

Shortly after in November 2005, as a result of my enquiry, I was given lists of moveable and heritable common good assets by Jonathon Sharman at a meeting I had with him at New City House, Dunfermline.

The two lists I was given were said to be a comprehensive register of the common good assets of Dunfermline. The comprehensive status of the lists however were soon revised to "preliminary and a work in progress" when I asked why certain commonly known assets such as Townhill Woodlands did not appear on the list.

I was however assured at that meeting and on several occasions since then that that a full audit of the Dunfermline Burgh Common Good would be taking place in the near future and all would be revealed. Given that there is no sign of this happening I am trying to establish common good assets by my own devices and would appreciate your cooperation in this matter. While I await your response of the questions regarding heritable common good assets I wonder if you could help me with moveable common good assets?

Can you advise me if the Dunfermline Provosts chain is considered as being part of the burgh's moveable common good assets and if so why it does not feature on the list of moveable assets prepared by Fife Council's Jonathon Sharma?

Can you also advise me if the Tiffany Window which was installed in the Carnegie Hall as a fixture or fitting when the hall was gifted to the Burgh Council in 1965 is considered as being either a moveable, or part of a hereditary common good asset, and if so why it does not feature on the list of moveable assets prepared by Fife Council's Jonathon Sharma?

Thanking you in anticipation of your assistance.

Yours sincerely,

Tom Minogue.

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Fife Council

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CHIEF EXECUTIVE'S SERVICE

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Our ref: JL/EAL/U3.2

25th October, 2007

Dear Mr. Minogue,

FUTURE OF THE TIFFANY WINDOW

I refer to your enquiry regarding the above.

Please find enclosed copy of a report that was recently discussed at the Dunfermline Area Committee. The window is currently being restored and will be installed at a future date in the Carnegie Trust's new headquarters at the entrance to Pittencrieff Park.

I hope this information is of some assistance.

Yours sincerely,


Joan Lamie,
Business Manager.

Enc.



Gold Award

FIFE COUNCIL

City of Dunfermline Area Committee
October 22nd 2007
Agenda Item No ...

FUTURE OF THE TIFFANY WINDOW

1.0 Introduction, Background and Purpose

- 1.1 At the meeting of this Committee on 24th September, the Committee continued a report on the Tiffany Window for clarification on the window's ownership. Consultations between Community Services and Law and Administration staff have now allowed a final conclusion to be reached that the window is not owned by the Council, and appears to be owned by the Carnegie Trust.
- 1.2 The Carnegie Hall was built by the Carnegie Trust in 1935. The Trust acquired the tenant's interest in a long lease for the land upon which the Hall was erected. The Council as statutory successor to the Burgh of Dunfermline has title to the landlord's interest in that long lease. The original long lease was granted in the 1890s for a period of 999 years.
- 1.3 From 1935 to the mid-1960s the Carnegie Hall and the window remained in the possession of the Carnegie Trust. In the mid-1960s the Hall was passed to the local authority by the Trust. This appears to have been a matter of some negotiation between the local authority and the Trust. The minutes of the local authority record that the Carnegie Hall would be conveyed without price subject to it being used as a place of public entertainment with a reversion in favour of the Trust in the event of such use being discontinued. This was secured by the Trust sub-letting the Carnegie Hall to the local authority. This means that the local authority is both the heritable proprietor of the land and the sub-tenant in a sub-lease which was for a period which matched the unexpired term of the original main lease. It is assumed that the sub-lease arrangement was used in preference to a full renunciation of the main lease so that the Carnegie Trust could secure the reversion of the Hall to the Trust in the event of it no longer being used as a place of public entertainment.
- 1.4 The window was installed by the Carnegie Trust in the Carnegie Hall around the time of its original construction and it is reasonable to assume that they would not have done so unless they owned the window. This means that the Tiffany window would form part of the structure of the Carnegie Hall and ownership of the window would be the same as ownership of the Hall.

- 1.5 When the Hall was sub-let to the local authority in the mid-1960s the window formed part of the building. However, a lease of a property (by definition) does not imply a transfer of ownership. The ownership of the property (which would include the window) remained with the Carnegie Trust.
- 1.6 The purpose of this report therefore is to provide background information regarding the Tiffany Window, and on its restoration, with a view to agreeing its future following restoration.
- 2.0 **Background**
- 2.1 The stained glass produced by the New York studios of Louis Comfort Tiffany in the early part of the 20th century was admired throughout the world. Tiffany's glass designs continue to be popular and his styles have been widely copied. His company's original creations are prized by collectors and fetch high prices in international sale rooms.
- 2.2 In the early 1900s the Carnegie family commissioned Tiffany to make a window for Dunfermline Abbey as a family memorial. It cost around £2,000 and was 'probably' designed by Agnes Northrop, for 40 years an artist with Tiffany and a specialist in landscapes. The window was intended to be installed in the Abbey in 1913.
- 2.3 Tiffany's studio undertook many commissions for churches. His own belief was that spirituality was best expressed by nature, landscapes etc rather than by figures of saints or religious symbols. However, he was enough of a businessman to accommodate the preferences of clients. In Carnegie's case he advised that his company's trademark style might not be acceptable in a Scottish church setting but Carnegie insisted.
- 2.4 However, it was rejected by His Majesty's Commission for Ancient Monuments as being out of harmony with the other windows at the Abbey. It also had no religious significance. For nearly a quarter of a century it lay packed, in a cellar under the Baths in Pilmuir Street, until the Carnegie Hall was planned and opened in 1937 and it was decided to place it the auditorium, facing west.
- 2.5 It was placed where the setting sun would show it to the best advantage, but by the 1970's all the windows were internally blacked out for theatrical lighting purposes, leaving the window in darkness.
- 2.6 In 1988, the Friends of the Carnegie Hall set up a fund raising campaign to support Dunfermline District Council in creating a lounge and bar in the Hall. This included an appeal for public subscriptions. The total cost of the project was in the region of £180,000 with £30,000 being raised from non-Council sources. In 1992 the Tiffany Window was moved to the new Tiffany Restaurant at the Carnegie Hall where it could be viewed more easily by everyone visiting the Hall.

Unfortunately it was not housed in the most sympathetic of glass cases and has suffered from a lack of appropriate support. The window is made up of three sections, each unsupported and sitting on top of each other. As a result the bottom section has bowed and some of the lead holding the glass pieces in place was separating.

- 2.8 To allow for the rebuilding of the Tiffany Restaurant the window was removed in early 2006 by specialist restorers to allow the restoration and Tiffany extension work to begin.
- 2.9 Once restoration works were complete the intention was to return the window to Carnegie Hall either to display it in the foyer area as part of a further phase 2 of refurbishment works, or to house it in an internal window space in the new Tiffany Restaurant.
- 2.10 Whilst the window was being restored the Carnegie Dunfermline Trust confirmed that they would meet the costs of its restoration. They also intimated that they would wish to safeguard its future by putting the restored window on public display in their new headquarters at the entrance to Pittencrieff Park in Dunfermline. In January 2007, the Carnegie Dunfermline Trust intimated to the Council that the Tiffany Window, once restored, be relocated to the new Carnegie Trust HQ.
- 2.11 The Tiffany Window is currently being restored and will be ready prior to the Carnegie Trust's new HQ being completed in Spring 2008. The Trust's architects are liaising with the restorers over designs for a display case that is vented and lit appropriately. It is intended that the window will be displayed like a piece of art that can be viewed from both sides. It will be situated internally within the new HQ's foyer.

3.0 **Financial Issues**

- 3.1 The window was removed in early 2006 by specialist restorers with the total cost for restoration estimated at £8000. Fife Council commissioned this work but Carnegie Dunfermline Trust agreed to meet the costs of the restoration works.
- 3.2 A current valuation of the Tiffany window has not been obtained. The restorers have noted that its value is dependent on the current market value for Tiffany items. However they have indicated that a Tiffany lamp recently sold for \$250,000. This would suggest that the window has a significant value.

4.0 **Way Forward**

4.1 **Option 1**

If the window was to return to the Carnegie Hall it could be displayed in a protective glass box in the foyer area, as currently proposed in phase 2 of Carnegie Hall's capital development programme. (*Note: unlikely to happen within the next 5 years*).

4.2 Option 2

A second option would be the 'mothballing' of the restored window pending completion of a new Dunfermline Museum, but 'design in' the window to the new Museum. Alongside this option might be the possibility of commissioning replica windows for both the Carnegie Trust HQ and the Carnegie Hall.

Option 3

- 4.3 The Carnegie Dunfermline Trust's proposal to install the window in its new HQ provides an immediate opportunity to provide an appropriate home for the newly restored window, subject to arrangements being put in place to maximise public access.

5.0 **Recommendations**

It is recommended that the Area Committee:

- 5.1 Notes the background and history associated with the Tiffany Window.
- 5.2 Notes that the Tiffany Window appears to be owned by the Carnegie Dunfermline Trust.
- 5.3 Notes the positive role the Carnegie Dunfermline Trust has played in meeting the costs of restoration of the Tiffany Window.
- 5.4 Notes the 'significant' value of the window when considering its future siting.
- 5.5 Authorise the Head of Community Services to negotiate with the Carnegie Trust with a view to the Tiffany Window being sited in a place that maximises opportunities for public access to this important artwork.

Steve Grimmond
Head of Service
Community Services

Report Author:

Iain Whitelaw
Senior Manager (Cultural Services)
Community Services

12th October 2007