



## **BEFS WORKSHOP REPORT: BEFS/Historic Scotland consultation day on the HEACS reports: The role of local authorities in the conserving the historic environment**

Held at the Council Rooms of the Royal Institution of Chartered Surveyors in Scotland, 9 Manor Place, Edinburgh, on 5<sup>th</sup> July 2007

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# 1 Introduction

In July 2006, the Historic Environment Advisory Council for Scotland (HEACS) made recommendations<sup>1</sup> to the then Minister for Tourism, Culture and Sport on the role of local authorities in conserving the historic environment. The purpose of the workshop was to consider the priorities, processes and resources required, in taking forward these recommendations. The workshop was chaired by Charles Strang, BEFS member representative for the Institute of Historic Building Conservation and the Association for the Protection of Rural Scotland.

## 1.1 Framework for Discussion

Gordon Barclay, Head of National Policy at Historic Scotland, introduced a paper prepared by Historic Scotland (HS) which provided the workshop with a framework for discussion. Sections of this framework document are reproduced below.

He outlined how discussion with the Local Authority Historic Environment Forum (LAHEF) in March 2007, and with the Forum's working group since, had allowed Historic Scotland to prioritise the original list of 21 recommendations within the HEACS report. As a result, eleven recommendations had been included in the HS framework document, and ten others had been set aside.

He talked through the thinking as to why the ten recommendations hadn't been included:

- *R8: Allocation of resources to and within HS to support local authorities and the voluntary sector* – not a high priority as resources are set up by Government.
- *R9: Reconvene the Local Authority Historic Environment Forum* – has now happened.
- *R12: Promote staff exchange between local authorities and HS* – longer term issue.
- *R13: Build into Historic Scotland's next Corporate Plan specific performance measures for working with local authorities* – longer term issue, once working relationship with local authorities has been defined.
- *R14: Guidance on the significance of the historic environment to wider Scottish Executive policy* – issue of internal communication, now high priority due to restructuring of the Executive by the new administration.
- *R15: Promote a broader understanding of the historic environment within the Scottish Executive* – issue of internal communication, now linking this to the five strategic objectives of the Scottish Executive.
- *R16: Support for the further development of a linked database with local authorities and RCAHMS* – issue of internal communication.
- *R17: SHEP policy developments through partnership-working* – ongoing.
- *R19: Concordat between HS and CoSLA* – already under way.
- *R20: Concordats between HS and individual local authorities on advice and assistance in relation to the historic environment* – see R19.

The focus for the workshop was to consider the remaining 11 recommendations under the following three themes:

- Improvements to the historic environment sector;
- Setting new standards of performance for local authorities;
- Community planning and the historic environment.

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<sup>1</sup> HEACS report: *Report and recommendations on the role of local authorities in conserving the historic environment*, July 2006

And to consider in each case:

- The relative priority of each recommendation,
- The process for implementing it,
- The resources need to do this.

## 1.2 Comments from participants

*There is a need to understand the work and concerns of the LAHEF and its working group.*

*HS comment:* This relative prioritisation on the recommendations was given on the basis of the general tenor of LAHEF discussions at its meeting in March<sup>2</sup>. There had been particular agreement on the need to work towards concordats. The LAHEF had also been asked to prioritise the remaining eleven recommendations – details of this prioritisation are given in *appendix two* of this report.

*A member of the LAHEF working group added:* that cross-sector work was seen as crucial and also highlighted the importance of survey work (recommendation 2) in order to deepen understanding of the sector. The survey work of the sector needs to consider:

- what we do;
- what resources there are presently;
- what local authorities services there are – relating to the historic environment;
- what we think we should be doing;
- what we can realistically deliver.

*It is important to recognise the distinction between the local council (service provision) and the local authority (elected members).*

Investment in skill-training and capacity-building with local councillors is crucial – this relates to recommendation eight of the HEACS report.

*The fact that community planning and community involvement are not the same and that investment in capacity building for community involvement is crucial.*

Community planning is focused on the provision of services and resources. It draws together the public sector and others to examine how it can work together to meet the needs of the community, and tends to work on the provision of education and welfare services rather than consider issues of land-use planning. It is land-use planning that is critical to the historic environment sector. Land-use planning and community planning need to be drawn together; presently there is a failure within community planning to make the link with spatial planning.

In the rural context, there are examples of local action planning involving local groups. In community planning literature, the historic environment often features in illustrations but not in the text. Reference was made to work undertaken by Heritage Futures at Glasgow Caledonian University, which examined the content of Community Plans for historic environment references.

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<sup>2</sup> Copy of the notes from the LAHEF meeting in March are available via Historic Scotland or via BEFS (to Member and Network organisations).

*Other comments:*

- Has Historic Scotland responded to the Scottish Executive consultation paper on Performance assessment?<sup>3</sup> Historic Scotland has responded.
- The National Planning Framework and consultation on this is an important dimension to the work of local government and land-use planning.

## 2 Break-out group discussions

### 2.1 Improvements in the Historic Environment sector

The table below is taken from the Historic Scotland framework document which formed the starting point for discussion within break-out groups. [Note the Minister's response refers to the letter to HEACS in December 2006 from the then Minister for Tourism, Culture and Sport who was part of the then Labour/Liberal Democrat administration.]

HEACS Recommendation – numbering from HEACS report	Minister's Response
<b>R1.</b> Introduce a <b>statutory duty of care</b> for the historic environment for local authorities and other public bodies and agencies.	<i>Noted. This is an interesting proposal which would be expected to have resource and other practical implications for a wide range of bodies. These would need to be properly considered before Ministers could reach a view and as a first step we expect it to be considered as part of the short-term follow-up work on the legislation report.</i>
<b>R2.</b> Commission an <b>independent survey</b> of current local authority policies, staffing and resource levels for the historic environment at the earliest opportunity.	<i>Agreed. Historic Scotland should take this forward from within its existing budgets, in time for SR2007 if resources allow.</i>
<b>R3.</b> Reassess the <b>balance of working between Historic Scotland and local authorities</b> to separate those functions that should properly be delivered nationally and those that can and should be delivered at a local level as part of the wider initiative on community involvement and culture change within the planning system.	<i>Noted. We feel the balance is about right but are open to looking at aspects of the way work is divided, and as a first step expect it to be considered as part of the short-term follow-up work on the legislation report.</i>
<b>R4.</b> Develop <b>appropriate concordats with individual local authorities</b> to facilitate this transfer of functions between Historic Scotland and local authorities (see also recommendation 20).  <b>And linked with R19.</b> Establish the recommended concordat with COSLA to promote and enhanced quality historic environment service.  <b>And linked with R20.</b> As part of recommendation 4, develop appropriate concordats between Historic Scotland and individual local authorities to	<i>Not persuaded that it is realistic to resource 32 separate sets of negotiations, and sits uneasily against proposal for shared services below. But we could include in discussions with CoSLA drafting of a "model" concordat which could apply at local level.</i>

<sup>3</sup> Details of the consultation paper are on the Scottish Executive website at: <http://www.scotland.gov.uk/Publications/2007/03/28104534/0>

provide advice and assistance on matters relating to the historic environment either directly or through local authority staff.	
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Participants made the following comments on the recommendations:

**R1. Statutory duty of care for the historic environment:**

- What are the practical outcomes; what would it mean?
- Would local authorities have the duty to maintain, for example, 'buildings at risk'?
- Would all local authorities produce a monitoring report?
- A duty of care would help address the variable management of the historic environment across the local authorities; resourcing and standards being currently 'patchy'.
- Input from local government will be necessary to help determine the resource and practical implications.
- It was noted that when a statutory repair order is placed the resource impact is neutral. Resources should follow a statutory duty of care.
- It was felt that this was essential and should lead to legislation.

**R2. Commission an independent survey:**

- A brief for the survey is being referred to the Local Authority Historic Environment Working Group.
- It was noted that a survey in England triggered the process of developing local historic environment champions.
- It was recognised that there is a shortfall in the supply of senior archaeologists.
- A survey will help inform the process of capacity building.

**R3. Reassess the balance of working between Historic Scotland and local authorities:**

- This links with outputs – it will allow the measure of outputs.
- Impact of changes in personnel; a link here to R5 - on joint historic environment services for adjoining local authorities.
- The results of a survey carried out under R2 will have relevance here.
- There was concern expressed that Conservation Officers are being 'ground out'.
- There needs to be a wider, cross-sector approach to development, relating to national strategy and different areas of the historic environment such as industrial archaeology.
- The relationship between community well-being and planning was highlighted.
- There is a need to support those that have an interest in the historic environment to get involved.
- There is a need to campaign for authenticity in the management of historic buildings.

**R4. (with R19 & 20) Develop appropriate concordats with individual local authorities, and also with COSLA:**

- Concordats are presently being sought over two national parks and the process of defining roles and responsibilities is beginning. The Planning Act will devolve responsibility for casework across different departments, not just planning.
- It was noted that this is an administrative process.

## **2.2 Setting new standards of performance for local authorities**

The table below is taken from the Historic Scotland framework document which formed the starting point for discussion within break-out groups. [Note the Minister's response refers to the

letter to HEACS in December 2006 from the then Minister for Tourism, Culture and Sport who was part of the Labour/Liberal Democrat administration.]

HEACS Recommendation – numbering from HEACS report	Minister's Response
<p><b>R1.</b> Introduce a <b>statutory duty of care</b> for the historic environment for local authorities and other public bodies and agencies.</p>	<p><i>Noted. This is an interesting proposal which would be expected to have resource and other practical implications for a wide range of bodies. These would need to be properly considered before Ministers could reach a view and as a first step we expect it to be considered as part of the short-term follow-up work on the legislation report.</i></p>
<p><b>R6.</b> Establish a recommended set of <b>key performance indicators</b> for local authorities dealing with historic environment matters.</p>	<p><i>We accept the case for a clearer framework of expectation of local authorities, but the details of this need to be discussed further with CoSLA, taking account of the Executive's overall commitment to streamlining reporting requirements on local government (and concerns at paragraph 33 of HEACS report of diversion of conservation officers' time at the moment into administrative tasks).</i></p>
<p><b>R7.</b> Develop <b>minimum national standards for a quality local authority historic environment service</b> including professional standards, staffing and resources.</p>	<p>As above</p>
<p><b>R10.</b> Develop and facilitate a <b>skills training programme</b> and provide financial support for professional historic environment staff linked to national occupational standards.</p>	<p><i>10 &amp; 11 Noted. These recommendations would have potentially significant resource implications and should await outcome of survey, and be considered as part of SR2007. Any proposal to introduce new specific grant mechanisms would need to be balanced against the Executive's commitment under the Public Sector Reform agenda to reduce the number of bespoke funding streams.</i></p>
<p><b>R11.</b> Explore specific grant mechanisms to fund specialist posts within local authorities on the SNH model to support the development of a quality historic environment service.</p>	

Participants made the following comments on the recommendations:

**R1.** Statutory duty of care for the historic environment: (see feedback on pages 5-6).

**R6.** Establish a recommended set of key performance indicators:

- Qualitative performance measures are needed alongside quantitative.
- Beware of key performance indicators (KPI) fatigue.
- There is a need to include the perspectives of all professionals working with the historic environment.
- KPIs should be linked with national standards.
- R6 should follow on from R1 and R2.

**R7.** Develop minimum national standards for a quality local authority historic environment service: see commentary in R11 below.

**R10 & R11.** Skills training programme and funding of specialist posts:

- Professional bodies are working with standards, training and fulfilling areas of competence e.g. IFA and IHBC.

- Importance of rolling out training to other local officers who aren't trained as conservation officers e.g. development control officers.
- Support attending meetings of professional bodies – currently officers are not getting enough time to do this.
- Are local authorities providing sufficient incentives to officers to maintain their skills and sustain their continuing professional development?
- In the past, local authorities paid professional fees.
- Expertise is lacking at more senior levels. Posts are also going unfilled.
- It was suggested that a definition of service level was required and that HS should be involved in providing such a definition.

*HS comment:* LAHEF is largely made up of directors of planning, archaeologists and conservation officers.

### 2.3 Community planning and the historic environment

The table below is taken from the Historic Scotland framework document, and formed the starting point for discussion within break-out groups. [Note the Minister's response refers to the letter to HEACS in December 2006 from the then Minister for Tourism, Culture and Sport, Patricia Ferguson, who was part of the Labour/Liberal Democrat administration.]

HEACS Recommendation – numbering from HEACS report	Minister's Response
1. Introduce a <b>statutory duty of care</b> for the historic environment for local authorities and other public bodies and agencies.	<i>Noted. This is an interesting proposal which would be expected to have resource and other practical implications for a wide range of bodies. These would need to be properly considered before Ministers could reach a view and as a first step we expect it to be considered as part of the short-term follow-up work on the legislation report.</i>
5. Encourage the <b>establishment of joint historic environment</b> services for adjoining local authorities in areas not capable of supporting individual specialist staff.	<i>Agreed – this is consistent with our wider public service reform agenda. We will look to Historic Scotland to take this up with CoSLA</i>
18. Develop a <b>set of qualitative and quantitative performance indicators</b> for including the historic environment in <b>community planning</b> .	<i>Noted as an area which would benefit from clarification. We expect Historic Scotland to have discussions with those responsible for Community Planning about how best to strengthen the profile of the historic environment within that process, while also noting that HEACS itself highlights the risk of the community planning process becoming overburdened.</i>
21. Explore with COSLA the establishment of a <b>Scottish version of the Historic Environment Local Management (HELM) initiative</b> that already exists in England, including the promotion of local authority champions of the historic environment.	<i>Accept the value of exploring this, but implementation will be subject to the availability of resources after SR2007.</i>

Participants made the following comments on the recommendations:

*General commentary on community planning:*

- Important not to isolate heritage from the work of other sectors.
- Good opportunity for the voluntary sector.

- Community Planning Partnerships (CPPs) – the green agenda is a main priority; heritage agenda has limited interest.
- CCPs – inform you about a range of local issues e.g. housing, dog fouling.

**R1:** statutory duty of care: see earlier discussion on page 5-6.

**R5:** establishment of joint historic environment services between adjoining local authorities: see comment on pages 6 (R3).

**R18:** qualitative and quantitative performance indicators for community planning.

**R21:** Work with COSLA to develop a Scottish version of Historic Environment Local Management (HELM) – including the development of local authority champions for the historic environment:

- Heritage Champions, HELM; 85% of local authorities have a heritage champion. English Heritage offers training. Historic Scotland doesn't see this as their role.
- 2 ways of championing; running courses or money for posts within local authorities.
- In England, there is funding for 'buildings at risk' posts from central government. English Heritage has put money into posts in London. Is this useful, are there enough staff?
- R8 is crucial – a review of allocation of resources to and within Historic Scotland to allow it to expand its involvement and build capacity within the local authorities and the voluntary sector.

*Related discussion of the issues around champions for the historic environment:*

- In Scotland there is no champion for the historic environment.
- This is unlike the situation in England where English Heritage sits at arms length from government and can perform a championing role. In England there are programmes about restoration and quality of life – this links with the 5 key cross-cutting themes of the new administration<sup>4</sup>.
- In Scotland potential champions could be: COSLA, SCVO (although their focus tends to cover health and welfare), and BEFS. HEACS plays a role but resources are stretched.
- BEFS is the equivalent in Scotland to Heritage Link – should the championing role lie here? BEFS is currently stretched in terms of resourcing. It was noted that BEFS is currently seeking to increase its capacity.
- There is a danger that historic environment champions would be constrained by government funders.
- Voluntary organisations need to pressure MSPs and councillors.
- Reference was made to the document *Power of Place* in relation to community activity<sup>5</sup>.
- At the local level there is potential for local forums to discuss historic environment issues - share values, find positive ways forward. Does BEFS have a role here?
- Edinburgh and Glasgow have champions for design. A+DS and the Architectural Policy Unit have made design important so they get the funding. Could Historic Scotland act similarly?
- Is there a duplication of effort across national intermediary organisations in Scotland?
- Government funds voluntary sector to achieve its objectives, however monies from Historic Scotland to the historic environment sector look likely to be squeezed.

<sup>4</sup> 5 strategic themes for SNP Government are: wealthier and fairer; healthier; safer and stronger; smarter; greener. See on Scottish Executive website at; <http://www.scotland.gov.uk/About/purposestratobj>

<sup>5</sup> For details of the *Power of Place* report go on the Internet to Conference on Training in Architectural Conservation (COTAC) website at: <http://www.cotac.org.uk/articles/publications/HistEnvtReview.htm>

### **3 Final discussion**

#### **3.1 Feedback from break-out groups**

##### **Group 1:**

*Two sides to the approach:*

- Heritage protection legislation: statutory duty of care and a review of legislation;
- Management of the process: building capacity, minimum standards, skills development.

*Priorities:* A statutory duty of care (R1) and a survey of local authorities (R2) are seen as high priority. Other recommendations need to happen but are lower priority; because of timing they need to follow the first two.

*Turning a vicious cycle into a virtuous cycle:* Getting everything working together.

*An over-riding theme of champions for the historic environment:* The need for local and national champions – can BEFS take this role? There is a need for a collective voice for talking to Historic Scotland and the Scottish Executive.

*Recommendation 8:* A review of allocation of resources is crucial, and needs to be included within this development process.

##### **Group 2:**

*Concordats:* Crucial, they allow clarification of who does what.

*Qualitative targets:* Use performance management targets from the planning legislation.

*Develop understanding of national minimum standards:* These need to be flexible and fit different local circumstance; funding needs to be appropriate.

*Establish Buildings at Risk officers.*

*Importance of changing mindsets:* Across different sectors and involving elected members (Councils, Scottish Parliament).

*Champions for the Historic Environment:* Need to work across different audiences.

*Strong networks:* There are good networks already through BEFS.

*Looking at other models of partnership working with government:* What can be learnt from Scottish Natural Heritage (SNH)? Being a Non-Departmental Public Body (NDPB) makes it easier for SNH than HS to be independent of government and work for change.

*Pump-priming funds:* To support the historic environment sector.

*Local authority surveys:* Need to look at best practice.

#### **3.2 Concluding remarks**

*LAHEF and working group:* For future planning work it needs to be clear who's got what and what are they doing?

*Historic Environment Audit:* Reporting this autumn.

*Research:* What's the optimum level/model for a local authority historic environment service? – integration of staff roles, regulations, capacity, staff roles.

*Important to build relationship with COSLA:* COSLA works through standing committees and has a committee working on the environment within local government<sup>6</sup>. COSLA can take a cross-cutting approach to the historic environment.

*Role of BEFS as a champion:* BEFS has a key role but is currently limited by capacity. Work to develop capacity is a current priority.

*Conservation advisory committees:* Value of such committees that cover both natural and cultural heritage.

*Local authorities – taking action:* Local authorities will do things if there's a statutory duty to do it. Decisions are made on the basis of national importance.

*Seeing the positive opportunities:* Key networks exist – ALGAO, IHBC, IFA, BEFS. The present administration is interested in culture and environment.

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<sup>6</sup> The present structure at CoSLA focuses on Executive Groups that progress the core work. The Regeneration & Sustainable Development Executive Group covers: Economic Development; Planning; Roads and Transportation; Regeneration; Environmental Issues; Tourism; Energy; Waste; Water Services; Building Services; Sustainable Development

## **Appendix 1: Participants and acknowledgements**

### **Participants**

Association of Local Government Archaeology Officers (ALGAO)  
Association for the Protection of Rural Scotland (APRS)  
Council for Scottish Archaeology (CSA)  
Edinburgh World Heritage Trust (EWHT)  
Heritage Futures – Glasgow Caledonian University  
Historic Environment Advisory Council for Scotland (HEACS)  
Historic Scotland (HS)  
Institute for Historic Building Conservation (IHBC)  
Royal Commission on the Ancient and Historical Monuments Scotland (RCAHMS)  
Royal Town Planning Institute (RTPI)  
Scottish Civic Trust (SCT)  
Scottish Stone Liaison Group (SSLG)  
Society for the Protection of Ancient Buildings in Scotland (SPABis)

### **Acknowledgements**

With thanks to:

- all the participants for their contributions;
- Historic Scotland and their staff;
- Charles Strang, Institute for Historic Building Conservation (IHBC) and Association for the Protection of Rural Scotland (APRS), for chairing the workshop;
- BEFS staff for the organisation and recording of the workshop.

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BEFS: September 2007

## **Appendix 2: Prioritisation of eleven HEACS recommendations by LAHEF**

The LAHEF was asked to prioritise the recommendations in priority order of low, medium, high, and the results were as follows:-

1. Duty of Care: high
2. Survey of LA policies, staffing, resources: low (To design draft research forming part of the audit as a priority for the Local Authority Historic Environment Forum.)
3. Balance of working/functions between HS and LA (Emphasise officers follow up buildings at risk)
4. Develop appropriate concordats with individual Local Authorities to transfer functions: medium
5. Joint HE services for adjoining local authorities: low-medium
6. Key Performance Indicators: low-medium
7. Minimum national standards: medium
10. Skills training and national occupational standards: medium
11. Grant mechanisms: medium
18. Develop qualitative/quantitative performance indicators re. Community Planning: medium
21. Develop a Scottish version of Historic Environment Local Management Initiative (from England): low-medium