

A Joint Consultation on the Historic Environment Strategy for Scotland and the Merger of Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).



RESPONDENT INFORMATION FORM Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Built Environment Forum Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Robertson

Forename

Jo

2. Postal Address

9 Manor Place

Edinburgh

Postcode EH3 7DN

Phone 0131 220 6241

Email jrobertson@befs.org.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available *OR*

Yes, make my response available, but not my name and address *OR*

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

Group/Org Type (please tick one)

- | | | | |
|-----------------------------------|--------------------------|-------------------------|-------------------------------------|
| Local Authority | <input type="checkbox"/> | Commercial Organisation | <input type="checkbox"/> |
| Professional Body | <input type="checkbox"/> | Voluntary Organisation | <input checked="" type="checkbox"/> |
| Contractor/Developer | <input type="checkbox"/> | Housing Provider / RSL | <input type="checkbox"/> |
| Designer/Consultant | <input type="checkbox"/> | NDPB/Agency | <input type="checkbox"/> |
| Academic Body | <input type="checkbox"/> | Advisory Body/Committee | <input type="checkbox"/> |
| Industry Association/Manufacturer | <input type="checkbox"/> | Other (Please Specify) | <input type="checkbox"/> |

(d)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

4. I will be responding to:

Please tick as appropriate

Both parts of the consultation

Part 1 - Historic Environment Strategy

Part 2 – Business case for the Merger

CONSULTATION QUESTIONS

To select an answer click one of the tick boxes. To change your answer click in the box again e.g. Yes No

To enter comments please use the blue comments boxes as below which will automatically expand as you type.

Comments

Part 1 Historic Environment Strategy for Scotland

Q1. Do you agree that the definition appropriately describes the 'historic environment'?

Yes what do you like about it?
No how do you think it could be improved?

Built Environment Forum Scotland (BEFS) is a forum that brings together non-governmental organisations with a built environment remit and acts as national intermediary for Scotland's historic environment sector. Through its member organisations, BEFS connects with over 325,000 individuals through 300 organisations.

The content of this response is informed by a series of meetings and workshops held during the period April – July 2013 attended by representatives and members of BEFS member and associate organisations, along with email contributions from BEFS members. Two workshop reports are attached.

BEFS members have provided mixed views on the definition. The widened scope (to include intangible associations) is recognised and welcomed, however it is suggested that the definition will be challenging to apply in a regulatory context. The narrative describing categories of evidence (draft Strategy, page 5) is more readily meaningful. It is also suggested that the definition could be more widely relevant and useful if written for the lay reader/non-specialist audience.

Q2. Does the Vision take account of your aspirations for the historic environment?

Yes what do you like about it?
No what would you change?

The Vision is welcomed.

Q3. Are the overarching principles the right principles to guide our activities over the next 10-15 years?

Yes what do you like about them?
No what would you change?

The Principles are broadly welcomed, although the principle referring to achieving best value for money is considered less readily applicable to the historic environment where environmental and social outcomes often hold equal, if not more, relevance.

In planning how to deliver the aims and vision of the strategy, staff worked in collaboration with stakeholders to produce a series of high level strategic priorities, these included cross cutting overarching priorities and a series of priority areas for the sector.

Q4. Cross-cutting

(i) Does the overarching aim reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

The phrasing is less ambitious than it could be. While the intention may be to convey that our heritage already makes a major contribution to the nation's well-being, the aim should be to strengthen and further develop the contribution.

(ii) Do the cross-cutting priorities take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

Mainstreaming: The mainstreaming priority is welcomed. Various ideas around the meaning of mainstreaming were put forward in workshop discussion. Perhaps most significantly, the idea around treating 'special' as 'normal', meaning shifting from the need to demonstrate 'special qualities' towards appreciating these qualities for their contribution to 'place'; the values we associate with the historic environment being 'normal' as opposed to being seen as exclusive. This should not detract from the fact that managing the historic environment relies on specialist knowledge and that understanding the need to deploy appropriate expertise at the right time is part of mainstreaming.

Informed decision-making: Prioritising informed decision-making sits at the heart of this response since good decision-making will ensure effective care and protection of the historic environment. Yet all four priorities are inter-dependent; mainstreaming, leadership and collaborative working and skills development and capacity building will all support informed decision-making. See full response on informed decision-making below in the section 'Care and Protect' - Q 6.

Leadership and collaborative working: A collective approach to leadership is endorsed and it is noted that much collaboration already goes on. The 'territoriality' of organisations can hinder partnership working and it is recognised that a collaborative approach does require strengthened capacity and clarity of purpose.

Skills development and capacity building: An ageing workforce and the

economic downturn have exacerbated the need for stronger succession planning and workforce development – this is reported in relation to both local authorities and across the voluntary sector.

(iii) Do the suggested high level, cross-cutting actions provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions should be taken forward and which need to be changed or added?

Mainstreaming: Clarity is sought on how this Strategy will support the delivery of international charters and conventions, and also on how it will relate to the existing Scottish Historic Environment Policy, the recently published Policy on Architecture and Placemaking, relevant sections of the National Planning Framework 3 and Scottish Planning Policy, the Scottish Historic Environment Data Strategy etc. The transfer of the policy unit from Historic Scotland into the Scottish Government carries potential benefits in terms of making the case for the historic environment across other policy agenda, but also carries risks – specifically that expertise may be diluted over time. This needs to be monitored.

Informed decision-making: see Q6 – care and protect.

Leadership: There is much opportunity given the small size of Scotland to develop strong connections and mobilise ‘influencers and persuaders’ at all levels. There is scope for strengthening the connection between ‘field’ and ‘centre’ – generating a stronger feedback loop from practice to policy. The governance model around delivering the Strategy is crucial – there needs to be a strong focus on forward planning.

Skills/capacity: In recent years RCAHMS has increasingly recognised the value of community volunteering through, for example, the Scotland’s Rural Past project. In terms of a Skills Framework, there is considerable potential for greater use of internships, mentoring, more accessible training opportunities, understanding how skills might be transferable, recognising the value of experience, skill sharing, bursaries for young entrants, use of accreditation schemes eg for volunteering, use of secondments and apprenticeships. The contribution of lay people/local interest groups will continue to require specific support from ‘specialists’ (pressure on local authority budgets suggests this type of support is under threat).

(iv) How will the cross-cutting proposals impact on you and how will you be able to contribute to its success?

Strategy to delivery: The main interest is in HOW this Strategy will be implemented. How will the governance and responsibilities for delivering strands of activity operate, particularly given that the Strategy sits across organisations and is not resource driven? BEFS members would welcome further dialogue around how the collective aspiration can be delivered across many players, including many very small players. See also Q14.

Q5. Investigate and Record

(i) Does the aim for investigate and record reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

(ii) Do the priorities for investigate and record take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

The priorities are welcomed.

(iii) Do the suggested high level actions for investigate and record provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

Evidence base: The third sector already plays an important role in gathering evidence on the value of the historic environment for local people. Members of BEFS welcome the action to continue to develop the Scottish Historic Environment Data Strategy which will help integrate information on the historic environment and make this accessible as a resource for all. Initiatives such as Scotland's Urban Past, building on Scotland's Rural Past provide an important role in generating local interest in places. Independent research such as that commissioned by the former Historic Environment Advisory Council for Scotland should continue to inform our understanding of how we go about managing the historic environment. Likewise the Scottish Historic Environment Audit provides an important tool for monitoring condition of the historic environment – this must continue to be supported and developed.

(iv) How will proposals for investigating and recording the historic environment impact on you and how will you be able to contribute to its success?

Strategy to delivery: The main interest is in HOW this Strategy will be implemented. How will the governance responsibilities for delivering strands of activity operate, particularly given that the Strategy sits across organisations and is not resource driven? BEFS members would welcome further dialogue around how the collective aspiration can be delivered across many players, including many very small players. See also Q14.

Q6. Care and Protect

(i) Does the aim for care and protect reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

The purpose of the Strategy, and the new merged body, is care, protection and enhancement of the historic environment. To be successful the Strategy must ensure consistent, transparent, informed decision-making on the historic environment across Scotland. In delivering the Strategy the relationship between the new organisation and local planning authorities will be critical, as will the relationship between both and community groups.

(ii) Do the priorities for care and protect take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

There is very strong concern that the historic environment is vulnerable. The regulatory system is not broken, but many recognise that it is not being used as effectively as it should to ensure proper care of the designated and undesignated historic environment.

Capacity: Local authority budget cuts are putting historic environment record / conservation services under threat, while at the same time there is a reported reduction in the advice provided by Historic Scotland to local planning authorities to inform their decision-making. The effectiveness in terms of good quality decision-making of the 'Removal of Duty to Notify' Historic Scotland of decisions on 'B' listed planning consents (and piloting 'A' listed also?) very much depends on there being sufficient capacity in local authorities to make informed decisions. Capacity refers to the knowledge and expertise amongst councillors as well as officials - clarity is sought on how 'capacity' is determined.

Control systems: In workshop discussions local interest groups reported their need for 'help' from (currently) Historic Scotland (and in future the new merged body) in relation to particular cases, noting that a lack of involvement from central government can be seen as a 'green light' to developers. Cumulative changes affecting the historic environment are also flagged as being the result of poor 'control'. More effective enforcement is a priority within this, coupled with improved skills and knowledge within planning departments and decision-makers.

(iii) Do the suggested high level actions for care and protect provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

Collaborative Working Group: in context of Q6ii, BEFS notes the proposal to establish a collaborative working group on management of the historic

environment. Many practitioners working within BEFS member organisations are directly responsible for the day to day management of the historic environment. Colleagues are keen to engage via this group in dialogue on how to improve management 'at the coalface'.

Consistency of advice to local authorities: An action could be to look at sharing information on case work outcomes across authorities, and with the new body, to improve consistency of standards/approach. This would also serve to develop confidence in the system of protection across the general public.

Community empowerment: there is increasing emphasis on community engagement and empowerment, and a role for local communities in taking care of assets. There are considerable challenges here. Building Preservation Trusts have been doing this type of work for years and understand the long term challenges associated with complex projects. While highlighting the challenges, members of BEFS welcome the recognition that communities will need support if they are to take on a more active role in caring for the local historic environment.

Community engagement: Reference is made to Community Planning Partnerships - it is noted that these vary considerably and that there is much potential for the historic environment to be more firmly embedded. There is potential (and willingness) amongst local community groups to work collaboratively with planning officials to have more informal discussions on general matters relating to developing places, sharing insight about how places work. There is a reported reduction in recent years of such informal, yet hugely valuable, dialogue. The role is a local one; the 'ethos' of a place being best understood by the people that live there. More specifically in relation to casework, it is also recognised that community councils hold a statutory consultee role – there may be scope to extend this to other groups with a more strategic interest in the development of places. Bodies such as the Scottish Civic Trust, Architectural Heritage Society of Scotland and Garden History Society in Scotland have historically undertaken casework, however in recent years Historic Scotland has not been able to fund this due to its status as an Executive Agency. Casework is a role that sits well within the voluntary sector and there is considerable scope to build capacity here.

Prioritising action: Given that the condition of 'A' listed Buildings at Risk is used as the national performance indicator for the historic environment, it is not surprising that the management of these assets has been raised more than once in the course of discussions.

Financial incentives: The Strategy is quiet on the matter of financial incentives – further dialogue would be welcomed.

(iv) How will proposals for caring for and protecting the historic environment impact on you and how will you be able to contribute to its success?

Strategy to delivery: The main interest is in HOW this Strategy will be implemented. How will governance arrangements and responsibilities for delivering strands of activity operate, particularly given that the Strategy sits across organisations and is not resource driven? BEFS members would

welcome further dialogue around how the collective aspiration can be delivered across many players, including many very small players. See also Q14.

Q7. Share and Celebrate

(i) Does the aim for share and celebrate reflect your ambition for the historic environment?

Yes what do you like about it?
No what would you change?

BEFS is supportive of this aim.

(ii) Do the priorities for share and celebrate take account of what you think is important for the future of the historic environment?

Yes which priorities do you like most?
No what would you change?

Communicating value: a key priority could be added around raising awareness with the general public about how the system for managing the historic environment works and also, in the context of particular cases improve how 'specialists' explain what it is that is significant/important/special about an asset.

Participation - volunteering: Volunteering ought to be more explicitly recognised as a priority within participation – and specifically the need to improve and sustain the infrastructure that supports and enables voluntary participation.

(iii) Do the suggested high level actions for share and celebrate provide a reasonable basis to begin to take the Strategy forward?

Yes which actions are particularly important?
No what actions do you think should be taken forward and which need to be changed or added?

Historic sites as opportunities for raising awareness: an action could be to increase interpretation at historic sites to generate interest locally and signpost to other local sites of interest.

Technology: the action to develop innovative ways to increase participation is welcomed.

(iv) How will proposals for sharing and celebrating the historic environment impact on you and how will you be able to contribute to its success?

Strategy to delivery: The main interest is in HOW this Strategy will be implemented. How will the governance and responsibilities for delivering strands of activity operate, particularly given that the Strategy sits across organisations and is not resource driven? BEFS members would welcome

further dialogue around how the collective aspiration can be delivered across many players, including many very small players. See also Q14.

Q8. Delivering the Vision

Do you agree that the Strategy will help the historic environment to remain in a position to:

(i) Continue to deliver positive outcomes?

Yes
No

Addressing 'challenges'?: The Strategy has been framed in the context of high level 'challenges'/conditions (draft Strategy, section 4): public expectations, the economic downturn, simplification of the planning system, climate change, technological innovation, various other policy reviews on-going. It is unclear HOW the priorities and actions set out under each aim will help to meet these challenges. It is therefore suggested that the document be reviewed with this in mind, to help ensure a 'read across' from the initial opening paragraphs to the actions arising. A key element of this will be undertaking a more detailed appraisal of the challenges to create a baseline of information, and develop actions and measures accordingly. Members of BEFS are keen to assist in this process.

(ii) Harness available opportunities for the historic environment?

Yes
No

See Q8i: Addressing 'challenges'?: The Strategy has been framed in the context of high level 'challenges'/conditions (draft Strategy, section 4): public expectations, the economic downturn, simplification of the planning system, climate change, technological innovation, various other policy reviews on-going. It is unclear HOW the priorities and actions set out under each aim will help to meet these challenges. It is therefore suggested that the document be reviewed with this in mind, to help ensure a 'read across' from the initial opening paragraphs to the actions arising. A key element of this will be undertaking a more detailed appraisal of the challenges to create a baseline of information, and develop actions and measures accordingly. Members of BEFS are keen to assist in this process.

(iii) Address the challenges it faces?

Yes
No

See Qi/Q8iv.

(iv) If yes, which aspects of the Strategy do you support in particular? If no, what is missing?

See Q8i: Addressing 'challenges?': The Strategy has been framed in the context of high level 'challenges'/conditions (draft Strategy, section 4): public expectations, the economic downturn, simplification of the planning system, climate change, technological innovation, various other policy reviews on-going. It is unclear HOW the priorities and actions set out under each aim will help to meet these challenges. It is therefore suggested that the document be reviewed with this in mind, to help ensure a 'read across' from the initial opening paragraphs to the actions arising. A key element of this will be undertaking a more detailed appraisal of the challenges to create a baseline of information, and develop actions and measures accordingly. Members of BEFS are keen to assist in this process.

Third sector contribution: In terms of what is missing, it has been noted that the Strategy is weighted towards central Government initiatives/actions. There is a need to 'balance up' the Strategy to reflect activities within the third sector. This is particularly pertinent given that the collaborative - ethos – and the intention that the Strategy be sector-led.

Q9. Do you agree with the proposed structure which will govern how we realise the ambition set out in the Strategy?

Yes what do you like about it?
No what would you change?

The proposed governance structure provides important opportunities for third sector involvement; colleagues within BEFS members are keen to ensure effective involvement from third sector bodies and also private sector interests. Community planning partnerships are recognised as a key component of the governance structure; a key objective will be to ensure that these are working effectively for the historic environment, as currently practice and engagement is quite variable. There is a clear message that the intention is for the Strategy to be 'owned' by the sector. The governance structure should provide the framework for a collaborative approach to delivery.

Q10. What do you think success will look like for the Strategy and how do you think success should be measured?

Please indicate below if you would like to be involved in further discussions about measuring success.

Yes No

It is recognised that the section on measuring success is quite thin at this stage. As a first step, baseline information will need to be gathered to help formulate actions, targets and indicators. The Scottish Historic Environment Audit already exists as a format for data gathering and this could be developed. A key measure will be the impact of informed decision-making. Also it may be appropriate to determine a quantifiable measure for collaborative working and possibly build into Single Outcome Agreements. Members welcome the opportunity to contribute to developing work on

measuring success. It is suggested that other measures/methodologies could be examined and emulated, for example measures developed by the Carnegie Trust and work carried out by Oxfam Scotland.

Q11. Do you think that the proposals presented in the Strategy might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity? If so, please tell us more.

Such impacts are hard to ascertain at this stage although it should be noted that volunteering opportunities tend to be taken up by older people and have positive impacts in terms of well-being.

Q12. Do you think that the proposals presented in the Strategy might impact on businesses, the third (voluntary) sector or have any regulatory impact? If so, please tell us more.

The Strategy is very likely to impact upon the third sector and businesses and on how current regulation is applied.

Q13. Do you think that the strategic environmental assessment has identified the key issues associated with the environmental implications of the Strategy?

Yes
No what is missing or needs to be changed?

No comment.

Q14. Please use this section to provide any other comments you think are relevant to the Strategy

Document Structure: Throughout the Strategy the terms 'historic environment' and 'heritage' are used interchangeably- there is a need for consistency and a glossary. There is also a fair amount of repetition and it is arguable that much of the content of the boxes (case study information, examples) actually in this document serves to distract from the high level policy messages. Members would welcome a shorter, more concise final version.

Sector-led: Overall, members of BEFS welcome the development of this Strategy; the collaborative ethos is particularly welcomed, along with the broad ranging scope. The key interest is in HOW it will be implemented. It has been noted that there is actually little that is new in policy terms, but that the emphasis is on working better, collaboratively together. Members recognise the intention that this is a framework for the whole historic environment sector to 'buy-into' and 'own'. The key interest is in moving from this stage into delivery. It should be recognised that there is already much partnership/collaborative working within the sector – this needs to be fostered. Stakeholders are asking HOW this will be delivered, and are keen to understand what role they are to play – how they can help to deliver the high level vision; how the work that they are currently doing can contribute to the 'big picture' that the Strategy sets out; how activities can be aligned

within the structure provided by the Strategy to ensure better outcomes for Scotland's historic environment.

- End of Part 1 -

Part 2 Merger of Historic Scotland and RCAHMS

To select an answer click one of the tick boxes. To change your answer click in the box again e.g. Yes No

To enter comments please use the blue comments boxes as below which will automatically expand as you type.

Comments

Q15. Do you agree with the functions set out for the new body (see p. 24 of Consultation paper)?

Yes No

If there is anything missing, what, and why should it be included?

Members of BEFS welcome the commitment (page 24) by the Scottish Government to maintain all the functions of both RCAHMS and HS in the merger. The key question is HOW this is achievable against a backdrop of significant budget cuts. Members of BEFS seek clarification on this point. The concern is that functions will need to be prioritised and varying weight afforded to different functions. Members of BEFS would welcome ongoing open and transparent dialogue on the priorities for the new organisation as these develop.

Collaborative and statutory functions: There are essentially two approaches being conveyed – a collaborative ethos alongside the regulatory role. It is imperative that the functions highlight the statutory role; that the new body is a backstop in terms of the regulatory function.

Guardianship of the undesignated historic environment: Guardianship of the historic environment currently applies to a very small percentage of the whole historic environment, with local authorities having responsibility for advising on management of the far more extensive undesignated historic environment. The functions of the new organisation refer to providing 'advice and guidance on the conservation, protection, management, survey and recording of the historic environment' (page 25). This reference is all encompassing and there is a need for further clarity around roles and relationships in regard to the designated and undesignated historic environment.

Grant-giving function: Clarity is specifically sought on what is envisaged for the grant-giving function, finance being variously referred to throughout the consultation document as a means of supporting delivery. This is particularly pertinent in the current economic climate.

Q16. Do you agree that the values are an appropriate foundation for the culture, ethos and behaviour of the new organisation?

Yes
No If not, what values should the organisation adopt?

In the review on options for RCAHMS (winter 2011/12) the 'culture', 'expertise' and 'ethos' of RCAHMS were characteristics that were highly valued within the wider sector. BEFS therefore welcomes the reference here to 'passion for heritage', 'emphasis on knowledge', 'expertise and research', 'innovation' etc. In addition, in terms of ensuring good administration, the Nolan Principles ought to be applied.

Q17. Do you agree that the desired outcomes will provide a good measure of the success of the merger?

Yes

No If not, what should the desired outcomes be?

Desired outcomes: The outcomes of the merger ought to reflect the desired outcomes for the historic environment overall. The role of the new body needs in delivering the Historic Environment Strategy needs to be clearly set out and linked to activities flowing from the Strategy. Care, protection and enhancement of the historic environment must remain at the heart of the new organisation. The wording 'national cultural institution relating to the historic environment' is rather clunky. The outcomes for the new organisation could usefully highlight an area-based approach around 'living places' - broadening out from a focus on tourism sites/flagship properties to the historic environment as context for everyday life. As currently drafted, the outcomes don't really 'hang together' as a set and they are aspirational, not measurable.

Measure of success of merger: A key new outcome will be the success of the relationships that the new body forges with all of its stakeholders. Resilience of the organisation is clearly very important, but the resilience of the whole sector is critical. A long term view will be necessary in evaluating impacts/success particularly since there is no current baseline to measure against.

Q18. Do you agree that the proposed approach to the discharge of Scottish Ministers' Heritage Management functions is appropriate?

Yes

No If not, what should the desired outcomes be?

As set out in response to Q6 above, in delivering the Historic Environment Strategy the relationship between the new organisation and local planning authorities will be critical, as will the relationship between both and community groups. There is an overarching concern that while the regulatory system may not be broken, it is not being used as effectively as it should to ensure proper care of the designated and undesignated historic environment. The fairly widespread 'Removal of Duty to Notify' Historic Scotland of decisions on 'B' listed planning consents (and piloting 'A' listed also?) is being seen as Historic Scotland providing less advice/support to the decision-making process which takes place at local level. Historic Scotland is being referred to as 'distant', 'remote', 'hands-off' - this may be appropriate IF there is confidence in local decision-making. However when

local authority budget cuts (which are placing the historic environment record/conservation services at risk) is added to the mix; the overall discharge of heritage management functions appears increasingly vulnerable.

BEFS notes the reference in the Business Case that the draft Historic Environment Strategy will be considering the potential to streamline heritage management legislation and process. BEFS notes and emphasises the point (page 56) that in drafting legislation to support the merger it will be important to ensure that this will 'not constrain decision about the future shape of regulation'.

Q19. Which approach to the management of Scheduled Monument Consent for properties in the care of Scottish Ministers is most appropriate?

- Option 1
Option 2
Option 3

Tell us why?

Varying responses have been put forward within the BEFS membership to the process of decision-making on Properties in Care (PIC). The overarching objective must be for clear and transparent procedures to ensure robust and fair decision-making. It is noted that under option 2 (page 29) the operation of the system relating to local authority listed building consent applications is flagged as an area for consideration under the Strategy. It seems logical, with this consideration happening anyway, that the management of PIC ought to be a part of this analysis. The operational detail will be critical to the effectiveness and credibility of the system.

Q20. Do you agree that the principle of exempting certain aspects of the organisation's work from Ministerial direction provides an appropriate balance between public accountability and scrutiny and the need to provide for independent professional decision making?

- Yes
No If not, why and what approach should be adopted?

The overarching principle is appropriate - but much will depend on the operational detail. The key outcome must be a system that promotes transparent, impartial, informed decision-making.

Regarding Ministerial involvement with Properties in Care there is contradiction in the consultation; with statements on page 30 that Ministers will be prevented from directing management of PIC (including acquisitions and disposals) and then later on the same page that Ministers will have responsibility for acquisitions and disposals. Clarity is sought on this point.

Q21. Are there any other areas of work where there should be additional safeguards to ensure operational independence from Ministers?

- Yes If so, please specify

No

It is understood that as an NDPB the organisation will have greater financial accountability, and will be accountable to the Scottish Parliament. BEFS asks that the appointment of the Board and Chief Executive follow Nolan Principles to ensure a transparent and open recruitment process.

Q22. Is this the right approach with regards to collections in the Care of Scottish Ministers (see p. 30 of Consultation paper)?

Yes

No If not, what approach should be used?

BEFS is aware of concerns identified by the National Trust for Scotland over how the new body will take on responsibilities for managing collections in the care of Scottish Ministers. BEFS is also aware of the recent announcement regarding the planned transfer of English Heritage's national heritage collection to a charity. Given the collaborative ethos of the Historic Environment Strategy, BEFS argues that legislative arrangements pertaining to the merger should not constrain decisions about the future of collections in the care of Ministers.

Q23. Do you agree that the functions established for the new organisation and the development of clear transparent policy in relation to the operation of those functions is sufficient to handle any perceived conflict?

Yes

No If not, what additional provisions are appropriate?

It is not completely clear at this stage how policy determining the delivery of functions for the new organisation will handle potential conflicts relating to grant giving, heritage management and the management of collections. Members of BEFS are keen to contribute to developing the detail of operational arrangements.

Q24. Do you agree that the functions and activities of the new organisation will fulfil the charitable purposes set out on p32 of the consultation paper?

Yes

No If not, why not?

The functions appear to be charitable.

Q25. Are there functions of the new organisation that do not fit the proposed charitable purpose?

Yes No

Please specify what those functions are

BEFS is not aware of any of the proposed functions not fitting the proposed charitable purpose.

Q26. Is there any reason why Ministers should not disapply the Ministerial direction clause in the Charities Act to enable the new organisation to apply for charitable status?

Yes If so, please specify
No

See Q33: If the new organisation is successful in achieving charitable status, this would change the 'landscape of the sector' by increasing the level of competitiveness within the funding landscape; the new organisation competing alongside many small charitable organisations. Members of BEFS advocate that the resilience of the whole sector is vital and that the objective must be to 'grow the cake' ie expand the whole marketplace/develop the effectiveness of the sector as a whole. Impacts on the rest of the sector associated with the proposed charitable status have not yet been properly evaluated – this must be an imperative given the collaborative approach advocated through the Historic Environment Strategy.

Q27. Do you agree that existing brand names should be retained?

Yes
No If not, why not?

BEFS has not reached any consensus on the use of the existing brand name, although this point has not been discussed in detail.

Q28. Do you agree that the new organisation should have a new name and identity?

Yes If so, what should it be called?
No If not, why?

BEFS has not reached any consensus on options for a possible new brand name, although this point has not been discussed in detail.

Q29. Do you think that the proposed legislation might impact on people differently depending on characteristics such as age, disability, gender, race, religion or belief, sexual orientation or gender identity?

If so, please tell us more

Such impacts are hard to ascertain at this stage although it should be noted that volunteering opportunities tend to be taken up by older people and have positive impacts in terms of well-being.

Q30. What is the likely impact of the proposed creation of a new organisation on business?

As a very significant structural development within the historic environment sector, it is likely that the merger will have an impact on business – especially on small businesses with specialist roles. BEFS queries whether there is any baseline information on the businesses operating within the field, against which potential impact could be assessed.

Q31. Do you expect the proposed creation of a new organisation to impact on you or any particular group of stakeholders?

If so, how?

The impact of the proposed merger on the third sector has not yet been properly evaluated. This is an imperative given the collaborative approach advocated through the Historic Environment Strategy and potential for the third sector to play its part alongside the new body in delivering the Strategy.

Q32. What is the likely impact of the proposed creation of a new organisation on Scottish firms?

As for Q30, as a very significant structural development within the historic environment sector, it is likely that the merger will have an impact on business – especially on small businesses with specialist roles. BEFS queries whether there is any baseline information on the businesses operating within the field, against which potential impact could be assessed.

Q33. What is the likely impact of the proposed creation of a new organisation on competitiveness?

Concerns have been raised around the increased level of competitiveness that the new organisation will create within the historic environment sector. The ambition to become the lead heritage tourism provider does not sit comfortably with the ethos expressed in the Historic Environment Strategy which is one of collaborative and collective leadership across the sector. If the new organisation is successful in achieving charitable status, this would change the 'landscape of the sector' by increasing the level of competitiveness within the funding landscape; the new organisation competing alongside many small charitable organisations. Members of BEFS advocate that the resilience of the whole sector is vital and that the objective must be to 'grow the cake' ie expand the whole marketplace/develop the effectiveness of the sector as a whole. Impacts on the rest of the sector associated with the proposed charitable status have not yet been properly evaluated – this must be an imperative given the collaborative approach advocated through the Historic Environment Strategy.

Responding to the consultation

Please send your completed response together with the **Respondent Information Form** (first page of this document) by the **31st July** to:

Email: HEstrategy_merger@scotland.gsi.gov.uk

Post: Strategy/Merger Consultation responses
Room 2.31
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Queries

Any queries about the consultation process, accessing the various documents, or responding to the consultation should be directed to:

Hannah Eamer for the strategy or Lorna Aird for the merger on 0131 668 8600