

**HEACS**

HISTORIC ENVIRONMENT  
ADVISORY COUNCIL  
*for* SCOTLAND

**Report and recommendations on  
the criteria that should be used to  
assess whether a property should  
be taken into state care**

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**Presented to Patricia Ferguson MSP  
Minister for Tourism, Culture and Sport  
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# HISTORIC ENVIRONMENT ADVISORY COUNCIL FOR SCOTLAND

**Report and recommendations on the criteria that should be used to assess whether a property should be taken into state care.**

## Foreword

1 This report is submitted to Scottish Ministers by HEACS, the Historic Environment Advisory Council for Scotland, which provides Scottish Ministers with strategic advice on issues affecting the historic environment.

2 At the time of HEACS' inception in June 2003, the Minister for Tourism, Culture and Sport set out five priority policy areas for consideration by HEACS. The criteria that should be used to assess whether a property should be taken into state care was one of these priority policy areas. The request was set out as follows:

*Each year suggestions are made that one or more particular properties should be taken in to the care of the Scottish Ministers. Very few properties are actually ever taken in to care. There has been little public consideration in the past about the criteria that should be used to make the assessment needed as to which properties would be of such significant national importance that state care was the only solution. This is a policy area on which government would benefit from advice from HEACS in the medium term.*

3 This report outlines the general context in which the Properties in Care portfolio has developed, reviews the various issues that have been addressed in dealing with the question posed, and sets out a series of recommendations about the development of an acquisition policy and assessment criteria.

### Acknowledgements

4 HEACS acknowledges the considerable help given to it by a number of individuals, representing themselves or their organisations, who acted as expert witnesses in the preparation of this report.

## EXECUTIVE SUMMARY

5 The properties held in the long-term care of the state have accumulated over many years. The current portfolio contains a wide range and variety of nationally important properties but is neither representative in terms of geographical spread nor property types. It reflects the bias of the times of acquisition, changing attitudes, priorities, conservation values and practical constraints.

6 Although legislation relates to the protection of individual monuments, the state's portfolio of properties in care has developed into a collection which is now comparable in quality, range, cultural value, and significance to the "National Collections" of cultural objects, artefacts and works of art held by the National Museums of Scotland, the National Galleries of Scotland and the National Library of Scotland which are shortly to be expanded to include the collections of the Royal Commission on the Ancient and Historical Monuments of Scotland, and the National Archives of Scotland.

7 In recent years, property acquisition decisions have been made by Historic Scotland using procedures that have been developed internally without public consultation and without an explicit framework of policy objectives. HEACS has concluded that a review of the criteria used to assess whether a property should be taken into the long-term care of the state is required and that the criteria identified should be based on a clear understanding of the objectives of state care.

8 HEACS considers the primary purpose of state care should be to:

*ensure that the Nation's most important built and archaeological heritage survives for the benefit of*

*current and future generations as a record of our history and culture of which it is the visible expression.*

In this context "benefit" should be taken to include public access and enjoyment, education, conservation, and public record.

9 HEACS recommends that, subject to public consultation and validation:

- a. an acquisitions policy be developed that is based on a clear understanding of the objectives of state care
- b. the principal criteria used to assess whether a property should be taken into state care should be:
  - eligibility;
  - suitability;
  - feasibility; and
  - appropriateness.

10 As a consequence of developing a formal acquisition policy HEACS has also concluded that policies should be developed to review periodically properties in care to assess whether there were any whose future might be more appropriately secured outwith state care and that a disposals policy should also be developed. HEACS also considers that a rescue policy should be developed for properties at risk.

11 HEACS also recommends that consideration be given to expanding the resource known as the "National Collections" to include the Properties in Care portfolio.

12 The full list of HEACS' conclusions and recommendations is included at the end of the report.

## INTRODUCTION

13 To address the Minister's question HEACS has reviewed existing legislation and practice relating to the acquisition of properties as well as the policies and criteria applied by those outside the state both in Scotland and in comparable circumstances abroad in respect of the acquisition and long-term care of properties. The underlying purposes for which a property should be given such protection have also been examined as a necessary first step towards defining selection criteria.

## DEFINITIONS

### State care

14 In this report, the expression ‘state care’ is taken to mean that the state has assumed responsibility for the long-term or permanent preservation and care of a property through the acquisition or guardianship of it under the terms of the *Ancient Monuments and Archaeological Areas Act 1979* (the 1979 Act).

15 In this report, state care does not include those other important means by which the state may own, protect, or play a part in the protection of, the historic environment. Under current legislation, Scottish Ministers have a wide range of powers by which the historic environment may be secured for the benefit of the nation, but which do not require or imply long term state care. These powers include designation and consent arrangements and the provision of grant assistance.

### Property in Care

16 A Property in Care is a building, monument or site that is in the care of Scottish Ministers and managed by Historic Scotland, an executive agency of the Scottish Executive. Properties in care are managed in terms of the Ancient Monuments legislation, specifically the 1979 Act, through ownership, guardianship or leasehold.

## LEGISLATIVE BACKGROUND

17 The origins of state care lie in the state assuming responsibility for some of the great monuments of Scottish history, initially through government departments such as the Department of Woods and Forests in the early nineteenth century. The *Act for the Better Protection of Ancient Monuments* reached the statute book in 1882 as the UK's first piece of conservation legislation. Successive consolidation Acts have improved the legislation relating to the preservation of ancient monuments including state care.

18 The most recent legislation is the 1979 Act which provides the basis on which the majority of properties in the care of Scottish Ministers are currently acquired and managed. As well as consolidating the previous legislation, the Act substantially strengthened and extended previous state powers. The Act gives Scottish Ministers the statutory power to acquire compulsorily or by agreement or as a gift or by purchasing any ancient monument in order to secure its preservation. Scottish Ministers may also accept guardianship of a monument from the owner. In some cases, properties may come into care on a long lease. For the first time the 1979 Act also recognised the need to make provision for the termination of a guardianship deed.

19 Whereas there have been a few purchases, most properties owned by Scottish Ministers have been acquired through the transfer of ownership rights and obligations from other Departments of State. No property has been acquired using the compulsory purchase powers available under the 1979 Act. At the time of the passage of the Act, an undertaking was given by the Government that this power would only be used as a last resort.

20 The range of what may be acquired, as defined in the 1979 Act, is wide. Indeed, the definition of monument under the Act does not require the structure to be scheduled with the result that the powers given to Scottish Ministers could be applied to monuments, buildings or designed landscapes (whether listed, designated or otherwise) that fall within the definition of ancient monument under the Act.

21 The only statutory provision which expressly excludes a property from being scheduled is part I (12)(10) of the 1979 Act which states that 'Ministers shall not become guardians of any structure which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family'.

22 The main aim of the Act is preservation but it also provides for public access to monuments under the ownership or guardianship of Scottish Ministers and for Scottish Ministers to provide facilities and information for the public.

## THE CURRENT PORTFOLIO OF PROPERTIES IN CARE

23 The portfolio of properties in care has accumulated over the centuries. It includes Crown property of long-standing, properties previously held by other Government Departments, and others which have passed, either by gift or sale, to Scottish Ministers. A large number of properties have come into state care since 1882 under guardianship agreements with private owners. The portfolio has come into being in a reactive, rather than in a planned, manner.

24 The portfolio includes monuments ranging in scale from Edinburgh Castle to individual standing stones, and in time from the Neolithic village of Skara Brae to more recent industrial sites. Five properties in care are located within two World Heritage Sites designated by UNESCO as being “of outstanding value to humanity”.

25 The current portfolio of properties in care contains a wide range and variety of properties. It includes a number of very important sites which are central to Scotland’s past and several of iconic status. Similarly, the geographical spread of the portfolio does not reflect the known distribution of outstanding monuments: it is the necessary consequence of how properties came into state care. The portfolio is not fully representative and reflects the bias of the times of acquisition, changing attitudes, priorities, conservation values and also practical constraints.

26 A similar situation exists in England where the portfolio has been assembled on the basis of acquiring properties of significance when no other viable options have been identified and state care has been provided as a solution of last resort. The portfolio is uneven in its geographical, chronological, and thematic spread.

27 There are now some 345 properties in care in Scotland, of which some 75 are staffed to provide a service for visitors. Nine are ‘5 star’ visitor attractions. In 2004-05 there were over 2.96 million visitors to properties where admission was charged.

28 By comparison, English Heritage currently has 412 properties in care. Of these 138 are staffed sites and 128 of the total are operated through local management agreements. Cadw manages 127 ancient monuments in Wales that are in direct state care. In Northern Ireland 183 properties are in the care of the Environment and Heritage Service of the Department of the Environment.

29 The comparatively large number of properties in care in Scotland results from a number of factors including a difference in acquisition strategies; a more proactive approach to heritage protection by the state in Scotland; and more ancient monuments requiring protection.

30 Of the 345 properties in the care of Scottish Ministers, some 75 properties are in state ownership and more than 260 properties in guardianship. In general, however, Historic Scotland’s preference is to obtain full ownership rather than guardianship whenever practicable.

## CURRENT ASSESSMENT PROCEDURE FOR STATE CARE

**31** Historic Scotland is responsible on behalf of Scottish Ministers for assessing whether a property should be taken into state care. The current assessment procedure is set out in an internal Guidance Note for Staff, last reviewed in 2004, although HEACS understands that a revised acquisition strategy may be the subject of a future Scottish Historic Environment Policy (SHEP) paper.

**32** Currently, in most cases, approaches are made to Historic Scotland. A preliminary view is taken by Historic Scotland on the merit of the property and the appropriateness of state care. Depending on the outcome of the preliminary view, a full merit assessment is made, weighing up the property's suitability for state care in terms of its historical, archaeological, architectural, social, spiritual, aesthetic, and cultural significance. Its conservation needs and its relationship with those properties that are already in state care are also taken into account.

**33** If the merit assessment is positive, a business case is then prepared taking into account care and conservation resources and financial costs, access rights, staffing and management implications, income generation, education potential, PR implications, interpretation options, and an assessment of cost and budgetary implications. As part of developing the business case, consideration is also given to whether there are alternative preferable options for the long-term safeguarding of the property concerned.

**34** If declining an offer, Historic Scotland will not only give the reasons, but also point out other possible ways in which the agency may be able to assist the owner in preserving the property (e.g. grant, management agreement, or local authority guardianship). An indication

of the relative importance of the property will also be given so that the owner does not consider it to be valueless and therefore open to destruction.

**35** If accepting an offer and funding is secured, Ministers are notified, and the applicant informed. If funding cannot be met within existing budgets, a case will be made to Ministers for additional resources.

### Recent assessment cases

**36** According to Historic Scotland, about ten cases are being considered actively. Since 1990, very few properties have been taken into state care, and 72 candidates have been rejected, generally for one of three reasons:

- insufficient merit;
- best for the property to remain in current ownership but grant assisted; and
- not the best conservation option for the property.

**37** It is not clear what the most frequent reasons for failure of the property to pass the merit assessment have been in the past, nor if any candidates for state care passed the merit assessment stage but failed to support a business case.

**38** Historic Scotland advises that, whereas it is aware of candidates for state care that would probably qualify on existing criteria and procedure, it has been reluctant to use its compulsory powers, even where the monument in question is at serious risk, if to use such powers risks putting Historic Scotland in serious conflict with the existing owner.

## REVIEW OF CURRENT PROCESSES

39 In recent years, property acquisition decisions have been made by Historic Scotland using procedures that have been developed internally without **public** consultation and without an explicit framework of policy objectives.

40 The current assessment process and criteria for taking properties into state care raise a number of significant issues. These, and suggested consequences, follow:

41 **The principal ways by which a property is taken into care appear to be, most commonly, a property has been offered and assessed favourably, or, less commonly, a property has been identified by Historic Scotland as a suitable addition to the state's 'portfolio', and is available for acquisition.**

42 The consequences of this appear to be:

- the process is reactive;
- it relies on opportunity arising;
- being ad hoc, the process does not provide a strategic assessment of context and need.

43 **There is an absence of a clearly defined set of objectives for state care.**

44 The consequences are:

- there is no formal strategy or policy as to the purposes of state care generally, nor to acquisition in particular;
- decisions are made on a case-by-case basis without reference to any possible wider objectives of state care;
- unnecessary difficulty for Scottish Ministers and Historic Scotland in responding to issues raised in connection with taking properties into state care.

45 **There is no policy for reviewing the status of properties currently in state care, nor for disposal.**

46 The consequences appear to be:

- past decisions to take a property into state care cannot be reviewed against an agreed policy and set of criteria;
- the achievement of wider policy objectives (such as value for money, regeneration potential, or social justice) are not being objectively tested periodically;
- decisions to take properties out of care could suffer from the same criticisms as decisions to take properties into state care;
- opportunities to acquire good candidates may have to be rejected on financial grounds because of overall limits on available funds for state care;
- better long-term care solutions which may emerge cannot be considered.

47 **The assessment process, which is essentially internal to Historic Scotland, lacks openness and transparency and offers little opportunity for stakeholders to be consulted.**

48 The consequences appear to be:

- although Historic Scotland does provide the reasons if a property is not taken into state care, the lack of openness and transparency of the process could be criticised;
- the apparent lack of consultation in the process does not invite the support of stakeholders and leaves decisions open to criticism;

- as stated in paragraph 44, unnecessary difficulty could be created for Scottish Ministers and Historic Scotland in responding to issues raised in connection with taking properties into state care.

**49 There is little substantive information available about how many properties might be suitable candidates for state care, and no formal research has been carried out into the subsequent fate of properties deemed unsuitable.**

50 The consequences appear to be:

- there is a risk that opportunities for bringing properties into state care may be lost;
- decisions to take a property into state care may be made on ad hoc grounds, irrespective of whether more appropriate properties may be available;
- there is no evidence-based means of establishing whether direct state care is the best solution for the property concerned.

**51 The majority of properties in state care are held in guardianship rather than state ownership.**

52 The possible consequences appear to be:

- as asset values and tourism opportunities increase, there may in some cases be an increasing risk of conflict between the state as guardian and the owner's objectives;
- public money invested in properties in state care may be difficult to recoup if the owners wish to terminate guardianship arrangements;
- whilst Historic Scotland has advised that it prefers state care by way of full ownership, it seems to HEACS that this, together with a re-examination of the benefits and risks of guardianship and how the latter can be mitigated, should be the subject of strategic consideration.

## POLICIES OF OTHER ORGANISATIONS

53 The Department of the Environment in Northern Ireland, English Heritage and Cadw are akin to Historic Scotland in that they do not have formal acquisition and disposals policies. Stated objectives as well as acquisition and disposals policies that govern the content of their respective collections are, however, a feature of several national organisations in Scotland including The National Trust for Scotland, the National Museums of Scotland, and the National Galleries of Scotland.

54 The National Parks System of North America has developed clear criteria for assessing whether new properties are suitable for acquisition. These are set out in an influential report, *Rethinking the National Parks for the 21st Century*.

55 Several of these policies appear to HEACS to offer ideas of relevance to the formulation of an acquisition policy (and disposal policy) for Properties in Care in Scotland.

## THE CASE FOR STATE CARE

56 It is impossible to define criteria for assessing properties for state care without examining the underlying purposes for which a property should be given such protection. Whilst current legislation does not state *in terms* the purposes or objectives of state care, nevertheless HEACS considers that a distinctive role for the state has emerged from the combination of law and practice that has built up around it, namely:

*to ensure that Scotland's most important monuments are preserved for the benefit of the public and for future generations as a record of the history and culture of which it is the visible expression.*

57 This 'benefit' has come to include public access and enjoyment, education, conservation and public record. Properties in Care can also contribute to the wider policies of the Scottish Executive including tourism, social inclusion, life-long learning, economic development and regeneration. They should also be exemplars of best conservation and management practice.

58 On this basis, and having considered the options, there appear to be two principal circumstances only which might justify taking a property into state care:

1. no other organisation or person is willing and able to take responsibility for the property, i.e the state is the owner of last resort;
2. the property is an appropriate addition to the state's property in care collection.

59 They are not mutually exclusive and, whilst the first is a reaction to a need, both require a policy backed by political will and resources. Both also raise issues which require careful consideration if a workable policy is to be developed which would command public and political support.

### The state as owner of last resort

60 At the heart of the approach of the state as owner of last resort is a presumption against property acquisition, and this makes some sense as the state is not, nor should be, the sole organisation responsible for and capable of caring for the nation's built and archaeological heritage.

61 The state however does have a distinct statutory responsibility to ensure that properties of national importance are not lost. This is best discharged by co-ordinated action, involving relevant public and private stakeholders, with the state taking lead responsibility for identifying solutions and using the powers and resources available to it to ensure that solutions for problem properties are found. On this basis, a property should not be taken into care except in exceptional circumstances where there are no other viable alternatives, i.e. the state as the owner of last resort. This approach, however, creates the following problems:

- it risks creating a state portfolio of properties in care which is no more than a sink estate of liabilities that nobody else wants to own or care for;
- it assumes that the political will as well as the resources will be made available when the need arises;

- it risks reducing the incentive for stakeholders to share responsibility for finding solutions that ensure problem properties have a sustainable long-term future;
- public benefit may be difficult to demonstrate, particularly where there is competition for resources from other quarters; and
- acquisition of properties which may require long term public expenditure may be regarded as a questionable use of public funds in the absence of any broader objectives or in the face of competing demands.

62 State care as a last resort is implicitly the general approach taken by English Heritage, Cadw, and Historic Scotland at present, if not as a formal policy. Historic Scotland, however, also takes into account in their assessment process the relationship of the property being assessed with others in their collection and English Heritage cites two other circumstances in which a property may be acquired:

1. dealing with them through a revolving fund (i.e. acquisition, restoration and disposal); and
2. as a means of rationalising the current estate, ensuring that it is well placed to maximise commercial operational efficiency, and where there is a demonstrable brand, commercial, or educational or access benefit.

The first may be called a rescue policy and the second recognises that individual properties in care are being managed as a “collection”.

## Additions to the Properties in Care “collection”

63 Ancient monuments legislation relates to the protection of *individual* monuments and does not appear to contemplate the creation of any form of collection. The Properties in Care portfolio does however constitute a collection, albeit eclectic and unrepresentative of many aspects of Scotland’s built and archaeological cultural history, and it is managed as such by Historic Scotland. It is comparable in quality, range, cultural value, and significance to the “National Collections” of cultural objects, artefacts and works of art held by the National Museums of Scotland, the National Galleries of Scotland and the National Library of Scotland which are shortly to be expanded to include the collections of the Royal Commission on the Ancient and Historical Monuments of Scotland, and the National Archives of Scotland.

64 Developing the inherited Properties in Care portfolio as a “Collection”, whether “National” or not, if adopted as a formal strategic objective, would enable policies to be developed that create an appropriate decision-making framework whilst permitting a greater degree of flexibility in deciding which properties should be taken into care than a basic “owner of last resort” strategy.

65 Such a strategic objective could also be viewed as one means of helping create a truly representative collection of the best of Scotland’s built and archaeological heritage but would not necessarily require the state to own or care for the whole of such a collection. There are now many excellent examples in Scotland of the successful management of historic properties held for the *benefit* of the public, or in a way that provides benefit for the public. Management may be by public agencies, private organisations, churches,

trusts, and private individuals as well as by individuals and organisations in partnership with the state. The state's collection should therefore be complementary to these and in this regard, HEACS welcomes the current discussions about acquisition policies between Historic Scotland and The National Trust for Scotland, owner of the largest number of historic properties in Scotland after the state. The development of complementary acquisitions policies would therefore be a welcome advance.

**66** Such an inclusive approach would be in accordance with the Scottish Executive's response to the cultural review in which it is suggested that there may be an opportunity for locally-held collections of national significance to achieve status as national collections bodies.

**67** Developing the properties in care portfolio as a "National Collection" could further the Scottish Executive's cultural strategy in a number of ways including:

- creating in the public mind a greater sense of the value of the nation's built and archaeological assets;
- creating a sense of collective purpose with the other national collections adding strength and flexibility to the operations that result;
- an ability to present "the best of the combined collections";
- improved interpretation and broader appeal; and
- promotion as exemplars of best conservation and management practice.

## RECOMMENDED ASSESSMENT CRITERIA

68 The assessment criteria described here are based on the presumption that the properties in care portfolio should be managed as a collection, possibly a “National Collection”, and that “ownership of last resort” is not, by itself, an appropriate policy to follow. At the same time, if implemented properly, the criteria should be able to deal with properties that nobody other than the state can care for, either by justifying the case for state care or by providing substantive reasons why the state should ultimately not take them into care.

69 The criteria suggested are a development of the procedures currently used by Historic Scotland to assess whether a property should be taken into state care but set a clear and explicit strategic direction. They should however be validated openly to promote as wide an understanding as possible of what the properties in care represent in cultural and historic terms, what the state’s role is in protecting them and the public benefit gained from their care.

70 To be taken into state care the property must be:

- eligible;
- suitable;
- feasible; and
- appropriate.

### Eligible

71 To be eligible a property must be of *national importance*, a term used in ancient monuments legislation and now defined in *Scottish Historic Environment Policy 2* published by Historic Scotland. Thus, all Category A-listed buildings, Scheduled Ancient Monuments, and Designed Landscapes listed in the Inventory would automatically be eligible but others, not falling into these categories, but meeting the criteria of national importance may also be eligible.

### Suitable

72 A property considered for state care should be a suitable addition to the state’s collection. Suitability in this context means that the property in question:

1. contributes in its own special way to the broad spectrum of built and archaeological heritage assets that characterises the nation and is not comparably represented and protected for public benefit by other public organisations, trusts, or the private sector; and
2. has the potential to make a significant addition to our understanding or appreciation of the past.

## Feasible

73 Save in exceptional circumstances, the property should be a feasible addition to the collection. Feasibility would require that the property concerned:

1. be available for voluntary acquisition or guardianship by the state, except in very rare circumstances where the public interest demonstrably calls for the use of compulsory powers;
2. be capable of efficient management by the state; and
3. be affordable.

## Appropriate

74 There are many examples of excellent management of important historic properties by non-state agencies, notably The National Trust for Scotland, private conservation organisations, and individuals. The state should encourage actively the expansion of conservation activities by regional and local organisations and individuals, assisting by means of support and advice where possible. Unless direct state management of a property is shown clearly to be the best long-term option for the property, there should be a presumption *against* it.

75 Therefore, the property must require at the time *direct* state management, rather than protection through direct management by others (whether supported by the state or not).

## Properties which *fail* to meet the four criteria

76 If a property fails to meet the criteria set out above the criteria should not be altered in order to accommodate it. In these circumstances, taking the property at risk into short-term state care to prevent deterioration until its long-term future can be safeguarded should be considered where appropriate, as part of a wider rescue policy.

## CONCLUSIONS

77 HEACS has concluded that:

- A review of the criteria used to assess whether a property should be taken into the long-term care of Scottish Ministers (state care) is required. There are three principal grounds for this conclusion:
  - (a) there are currently no formal strategic policies relating to the acquisition of properties nor the purposes of state care generally;
  - (b) the policy arrangements relating to the acquisition of properties that do operate have not been the subject of public consultation and have not been publicly endorsed; and
  - (c) existing assessment procedures have an internal consistency but lack a clear strategic objective. They have a number of perceived shortcomings including lack of transparency and openness and offer little opportunity for stakeholders and conservation specialists outwith Historic Scotland to be consulted.
- The primary purpose of state care should be to:
 

*ensure that the Nation's most important built and archaeological heritage survives for the benefit of current and future generations as a record of our history and culture of which it is the visible expression.*
- “Benefit” should be taken to include public access, enjoyment, education, conservation, and public record.
- The state should not be the sole organisation responsible for and capable of caring for the nation’s built and archaeological heritage but it does have a distinct statutory responsibility to ensure that properties of national importance are not lost. This is best discharged by co-ordinated action, involving relevant public and private stakeholders, with the state taking lead responsibility for identifying solutions and using the powers and resources available to it to ensure that solutions for problem properties are found.
- The state’s collection of properties in care should be complementary to those collections or individual properties held for the *benefit* of the public or held in a manner which provides public benefit by public agencies, private organisations, churches, trusts, and private individuals as well as by individuals and organisations in partnership with the state.
- The properties in state care represent a cultural resource that is, in all but name, a “National Collection” of equal cultural importance to those collections of cultural objects and artefacts held by the National Galleries of Scotland, the National Museums of Scotland, and the National Library of Scotland.

- The principal criteria used to assess the suitability of a property for state care should be whether the property is:
  - Eligible: of national importance.
  - Suitable: contributes in its own unique way to a collection that fully represents the broad spectrum of built heritage that characterises the Nation, and is not comparably represented and protected for public benefit by other public or private organisations or individuals.
  - Feasible: capable of being cared for by the state at an affordable level of cost.
  - Appropriate: require direct state management rather than alternative protection by other public agencies or the public sector.

If a property does not meet these principal criteria it should not be taken into state care.

## RECOMMENDATIONS

HEACS recommends that:

- 1 Scottish Ministers should develop a Properties in Care acquisitions policy which provides a framework within which decisions about whether it is appropriate to take a property into care can be made and substantiated with rigour and consistency. The policy should address the objectives of acquisition as well as guide the assessment process and criteria. The development of the policy should include a process of public consultation.
- 2 Subject to the development of an acquisitions policy, Scottish Ministers should:
  - review periodically the portfolio of Properties in Care with a view to identifying if there are any properties whose long term care would be more appropriately secured outwith state care;
  - develop an appropriate disposals policy, if permissible, under current legislation;
  - develop a rescue policy for properties at risk; and
  - subject the benefits and risks of state care by way of full ownership versus guardianship to strategic consideration.
- 3 The principal criteria, as defined earlier in this report, used to assess whether a property should be taken into state care should be:
  - eligibility,
  - suitability,
  - feasibility, and
  - appropriateness.
- 4 Whilst the final decision about whether to take a property into care must rest with Scottish Ministers, the assessment process should be open, transparent, inclusive, and publicly validated.
- 5 In assessing whether to take a property into care, Scottish Ministers should work in partnership with the other individuals and organisations who care for properties of national importance in an exemplary manner.
- 6 Scottish Ministers should consider carrying out a study of how many properties might be suitable candidates for state care as well as a review of the subsequent fate of properties deemed unsuitable. This study could form an element of the Historic Environment Audit currently being taken forward.
- 7 Scottish Ministers should consider expanding the resource known as the “National Collections” to include the Properties in Care portfolio.

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