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## **HEACS REPORT ON THE CRITERIA THAT SHOULD BE USED TO ASSESS WHETHER A PROPERTY SHOULD BE TAKEN INTO STATE CARE**

I am writing to provide a final response to your report on properties in care, submitted in 2006.

My predecessor sent you an interim response in December 2006. Since then we have been thinking carefully about the issues, as also evidenced by our public consultation on the Scottish Historic Environment Policy on “Properties in the Care of the Scottish Ministers”.

I have set out our reasoning on each of your recommendations in the Appendix to this letter. In relation to the formal remit, I am happy to be accepting your general approach and much of the detail. In relation to the other issues covered, I have been guided by value for money, affordability and the extent to which the recommendations (for example on a national collection) deliver benefits and accord with our view of the role of the State in this area. That has led me to reject a number of your recommendations.

I am very grateful for the hard work of HEACS in preparing its recommendations on the criteria and look forward to seeing the results of your current work.

**LINDA FABIANI**

**HEACS REPORT ON THE CRITERIA THAT SHOULD BE USED TO ASSES WHETHER A PROPERTY SHOULD BE TAKEN INTO STATE CARE.**

**DETAILED MINISTERIAL RESPONSE**

**Recommendation 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.**

Agreed - Historic Scotland will develop an operational policy on acquisitions and disposals.

**Recommendation 2**

**Subject to the development of an acquisitions policy, Scottish Ministers should:**

**i) 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;**

i) Declined - Historic Scotland will not be undertaking a major review of the estate but will consider individual cases on their merits in the light of the future operational policy on acquisitions and disposals.

**ii) develop an appropriate disposals policy, if permissible, under current legislation;**

ii) Agreed - Historic Scotland will take into account HEACS' useful suggestions for acquisitions and disposals in the development of its operational policy on acquisitions and disposals.

**iii) develop a rescue policy for properties at risk; and**

iii) Declined – but Historic Scotland will make use of its existing grant schemes to support and facilitate the rescue of important properties at risk. This may include novel approaches and pilot schemes designed to tackle difficult cases. We believe that this is more cost-effective than a 'revolving-door' form of state acquisition.

**iv) subject the benefits and risks of state care by way of full ownership versus guardianship to strategic consideration.**

iv) Declined - Historic Scotland does not often have the option to change the mechanism (guardianship, ownership or lease) by which it holds a particular property and does not believe that a major review of the estate on this basis in the near future would be a good use of resources.

### **Recommendation 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.**

Agreed – Historic Scotland will incorporate your thinking into the final version of the SHEP on Properties in Care.

### **Recommendation 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.**

Agreed - Historic Scotland already applies these principles. The current Historic Scotland assessment process is rigorous and as transparent as possible (given that there may be commercially-confidential discussions with owners or other guardians that preclude publicity or consultation) and this policy has recently been validated by Scottish Ministers through the consultation on the SHEP on Properties in Care. Properties are assessed on a case-by-case basis with careful consideration of all of the criteria suggested in the recommendations of the HEACS report. It should be noted that the HEACS report applies the modern standards and process of collection policy to a collection of monuments accumulated over several centuries.

### **Recommendation 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.**

Agreed - in its assessment process, Historic Scotland already works with others where appropriate and practical, such as the National Trust for Scotland, English Heritage and the Historic Houses Association.

## Recommendation 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.**

Declined - a detailed study of the kind proposed would not be a good use of resources, as the vast majority of properties would never have any chance of either being offered into care or being accepted. The Audit will focus on repeatable measurements that will provide information on the state of the wider Scottish historic environment.

## Recommendation 7

**Scottish Ministers should consider expanding the resource known as the “National Collections” to include the Properties in Care portfolio.**

Declined - the rationale behind this recommendation is unclear and I am not clear what practical difference HEACS believes this will make. Although the Historic Scotland portfolio is de facto a collection, I see greater benefit in our association with other institutions such as the Historic Houses Association, the National Trust for Scotland, The Royal Commission on the Ancient and Historical Monuments of Scotland and Scottish Natural Heritage.