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HEACS REPORTS ON HERITAGE LEGISLATION AND LOCAL GOVERNMENT

I am most grateful for the considerable work that has gone into the production these two reports and am now writing to offer my considered response.

I will deal with the legislation first. We have now reviewed the current legislation in some depth and have consulted widely on your recommendations. After careful consideration, I have come to the view that the present system does not have sufficient problems to warrant major legislative reform. Of course, there are various legislative changes that might merit consideration; and I may well choose to address these as policy develops and legislative opportunities arise. However, I will not be promoting major legislative reform on the English model. It strikes me that it would be more efficient and effective to invest our resources in improving the workings of the current system.

Improving the system relates in part to the clarification of roles, duties and responsibilities; which brings me to your report on local authorities. We do not wish to impose new duties or burdens on local government. Instead, we want to develop outcome agreements with local authorities, in keeping with the general approach adopted in our new Concordat with CoSLA. I think this gels with the underlying thinking in your report; and I hope that such an approach will help secure a high and uniform standard of care for the historic environment in all local authority areas. We will aim to set out what this means in practice in an action plan.

Some more specific comments are set out in the annex to this letter.

LINDA FABIANI

HEACS REPORTS ON HERITAGE LEGISLATION AND LOCAL GOVERNMENT

Role of Local Government

Detailed Recommendations

1. Introduce a statutory duty of care for the historic environment for local authorities and other public bodies and agencies.

We will discuss this recommendation further in the context of local authority concordats and capacity building.

2. Commission an independent survey of current local authority policies, staffing and resource levels for the historic environment at the earliest opportunity.

I can report that Historic Scotland is commissioning this research, taking advice from the Local Authority Historic Environment Forum Working Group (which includes representative members from ALGAO, IHBC, SSDP, CoSLA, Historic Scotland and the Scottish Government's Planning Directorate). It is envisaged that the survey will be completed in 2008.

3. Reassess the balance of working between Historic Scotland and local authorities to separate out 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.

Noted. While we believe the balance is about right, I will look to my officials in Historic Scotland to keep this issue under review in liaison with CoSLA and the Local Authority Historic Environment Forum.

4. Develop appropriate concordats with individual local authorities to facilitate this transfer of functions between Historic Scotland and local authorities.

Please refer to my response to recommendation 3. The matter of concordats is dealt with more fully below, under recommendation 19.

5. Encourage the establishment of joint historic environment services for adjoining authorities in areas not capable of supporting individual specialist staff.

Agreed. I have asked my officials to explore this further with CoSLA and the Local Authority Historic Environment Working Group. The further consideration of this issue will be informed by the results of the survey of local authorities' historic environment services (see recommendation 2 above)

Setting new standards of performance for local authorities

6. Establish a recommended set of key performance indicators for local authorities dealing with historic environment matters.

The stakeholder engagement process identified this recommendation as a low priority which depended on the work proposed in recommendation 7 being completed. Subject to the completion of that work I agree that there would be value in exploring the possibility of using the Historic Environment Audit as a guideline for developing appropriate indicators in liaison with CoSLA.

7. Develop minimum national standards for a quality local authority historic environment service including professional standards, staffing and resources.

I understand that IFA/IHBC and ALGAO are currently working on an agreed set of standards for the care of the historic environment. I have asked my officials to keep me informed about the progress with this work and I will revisit the issue when the IFA/IHBC ALGAO work has been completed. A legislative basis for local authority historic environment records and services could be considered in proposed heritage legislation.

8. Review the allocation of resources to and within Historic Scotland to allow it to expand its involvement and build capacity with the local authorities and the voluntary sector.

We accept that the Agency could play a critical role in helping build capacity in local government. We will keep this under review in the context of Historic Scotland's budget allocations.

9. Reconvene the Local Authority Historic Environment Forum and empower it to deliver an agenda of service delivery improvements.

The Forum was reconvened on 8 March 2007 and I understand that the meeting was extremely successful. At the meeting the Forum considered the HEACS reports on legislation and the local authorities. It was also agreed that working groups could usefully be convened from Forum members to consider specific issues when required.

10. Develop and facilitate a skills training programme and provide financial support for professional historic environment staff linked to national occupational standards.

It is our view that the Local Authority Historic Environment Forum would be the most appropriate vehicle to help facilitate and co-ordinate increased joint working and training between local authorities when appropriate.

11. Explore specific grant mechanisms to fund specialist posts within local authorities on the Scottish Natural Heritage (SNH) model to support the development of a quality historic environment service.

We will consider this once we have the results of the survey of local authorities agreed to at recommendation 2.

12. Promote the principle of staff exchange between local authorities and Historic Scotland.

Consultation with stakeholders suggested that this was seen as a low priority and that there were real difficulties in swapping staff from often small local authority historic environment services with those from central government.

13. Build into Historic Scotland's next Corporate Plan specific performance measurements in relation to developing working relationships with local authorities.

I am not convinced that we need to introduce specific performance measures in Historic Scotland's Corporate Plan to achieve the underlying aims of this recommendation. Indeed since last December the Agency's working relationship with local authorities has improved markedly through meetings with CoSLA and the wider local authority sector through the Local Authority Historic Environment Forum. The current exercise to establish "concordats" should also clarify and improve working relationships.

Improving Scottish Executive internal communication

14. Provide clear guidance on the significance of the historic environment to broader Scottish Executive policies on economic development, regeneration and social inclusion; and

15. Promote a broader understanding within Scottish Executive departments of the benefits of and impact on the historic environment in respect of their own departmental interests and encourage the allocation of appropriate resources.

Agreed. Historic Scotland is actively promoting better communications with the rest of the Scottish Government.

16. Provide continued support for the further development of a linked historic environment data base involving local authorities and Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) for use across government.

This is a matter for further discussion with local authorities.

17. Continue to develop Scottish Historic Environment Policy papers (SHEPs) through partnership working with the historic environment sector.

This is agreed. I see the SHEP series as having an important role in clarifying the policy foundation for the sector.

Community planning and the historic environment

18. Develop a set of qualitative and quantitative performance indicators for including the historic environment in community planning.

Noted as an area which would benefit from clarification. However I think it would be prudent to wait until the Planning Act was fully implemented before exploring this recommendation further.

19. Establish the recommended concordat with CoSLA to promote an enhanced quality historic environment service.

As recommended by the review of Historic Scotland in 2004-05, this is being taken forward by Historic Scotland's Inspectorate who are currently drafting a "model" concordat for local authorities.

20. As part of recommendation 4 above, develop appropriate concordats between Historic Scotland and individual local authorities to provide advice and assistance on matters relating to the historic environment either directly or through local authority staff.

Please see my comments under recommendation 19 above.

21. Explore with CoSLA the establishment of a Scottish version of the Historic Environment Local Management (HELM) initiative that already exists in England, including the promotion of local authority champions of the historic environment.

The Local Authority Historic Environment Forum Working Group is currently exploring how guidance, examples of good practice and training materials could be better distributed and I have asked my officials to keep me informed of progress.