Historic Environment Scotland Bill  
Call for Written Evidence  
Response from Icon, the Institute of Conservation  
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Icon  
Icon is the leading voice for the conservation of moveable cultural heritage in the UK. Icon is a charity and also a professional body. It brings together over two thousand five hundred individuals and organisations. The Institute aims to advance knowledge and education in conservation and achieve the long-term preservation and conservation of cultural heritage. It does this by providing guidance, advocacy, and training and education opportunities, and by uniting the conservation profession and the wider heritage community. Icon has, amongst its special interest groups, a very active Scotland Group. The Icon Scotland Group contributed to Icon’s response to this consultation.

Icon as a UK body and with a strong membership in Scotland welcomes future opportunities to collaborate with HES.

1. How will the creation of Historic Environment Scotland help to improve the overall management and promotion of Scotland’s historic environment? Will it help to make Scotland’s historic environment more attractive to communities, families and tourists?

The creation of the body corporate called HES will not in itself do any of the above. However, the Historic Environment Strategy for Scotland brings together and formalises the aspirations of many heritage bodies, communities and individuals in Scotland into a common vision that can make the idea of heritage more naturally understandable for everybody, and easier to engage in. HES should encourage collaboration and innovation within a recognisable framework. The challenge will be to clarify and maintain the formal responsibility and representation for discrete parts of the sector, where these exist and are desirable.

2. Are the functions proposed for HES the correct ones or are there omissions? Are the outcomes expected of the new body ambitious enough or could they be strengthened?

The outcomes in the Bill appear to be based on the assumption that the new body will add an overarching role as the formal representative for the sector, in addition to the existing remits of HS and RCAHMS, including the responsibilities delegated from the Scottish Ministers. This appears to contradict to the HES Strategy, which states
that the vision cannot be delivered by one body alone. The Bill assumes for HES (the body corporate) overarching responsibility for the historic environment of Scotland (the tangible and intangible culture). This is too ambitious a remit. HES needs to continue the current functions of listing, protecting and promoting the parts of the built, natural and designed environment that is the current remit of HS and RCAHMS, and to be an active participant and enabler in the bigger movement that is set out in the Historic Environment for Scotland Strategy.

3. Does the Bill establish a clear and appropriate relationship between Historic Environment Scotland and all other public and private bodies with an interest in Scotland’s Historic Environment?

No, this part of the Bill is not clear. The new arrangements appear to create the potential for confusion with the existing remits of other national bodies. Bodies such as National Galleries Scotland, National Records Scotland, National Library of Scotland, National Museums Scotland and Museums Galleries Scotland all have existing outreach remits - in line with their Scottish Government funding streams - for provision of advice and support to smaller organisations and users in the wider sector. In addition, these bodies have been in recent years directly tasked with leadership and development roles for ensuring provision of advice, promotion of standards and collaboration for their own segments of the HE sector. The entrance of HES into the field therefore needs to be carefully managed and negotiated to avoid duplication of effort as well as confusion for smaller museums, galleries, archives, libraries and historic houses which depend on the current sources of support.

4. In what ways will the Bill help you/your organisation to better manage and promote Scotland’s historic environment?

The new Historic Environment Scotland could provide a more central platform for publicity and a focus for activities provided by various other parties. We hope that HES will continue to commission the research and activities it is not able to deliver itself, and that it will continue to support (financially and by other means) smaller initiatives throughout Scotland, by way of sharing resources.

5. Are there any areas of the Bill that you consider could be strengthened or improved?

The Bill is obviously drafted to be applicable for a long time, and is understandably open in its detail. More information is given about what it is not than what it is. This leaves it open to various interpretations regarding the legal status of the new body corporate, e.g. charitable status. If there is an intention that the HES is a charity, then some of its functions seem an uncomfortable fit. Part 1, section 7 (2) seems to directly nullify (1), and we would welcome clarification.
6. Do you consider that the Bill’s Policy Memorandum adequately sets out: The Bill’s policy objectives; whether alternative ways of meeting the objectives were considered; the consultation on the objectives; the Bill’s effects on equal opportunities, human rights, island communities, local government and sustainable development?

Yes.

7. The Scottish Government’s newly published historic environment strategy also seeks to improve enjoyment and understanding of Scotland’s historic environment. The Committee does not wish to repeat the extensive consultation undertaken on the strategy, but would welcome your views on whether it and the Bill together:

• Establish clearly who is responsible and accountable for delivering the strategy?

It states that the responsibility is shared, but gives no detail beyond that. However, there is also a strong inference that the main responsibility will be with Historic Environment Scotland. This inference is strengthened by the choice of the same name for both strategy and the new body.

• Will involve appropriately all those public and private bodies with a role in improving the historic environment.

No evidence for this as yet but HES will need to work with other heritage bodies, communities and individuals in Scotland to maximise its effectiveness. We would welcome this opportunity to work with HES.

• Lead to demonstrably better access to, and enjoyment and management of, the historic environment.

This is difficult to assess in advance of the Bill.

Please also add any further comments that you consider would assist the Committee’s scrutiny of the Bill, including more specific areas such as:

• The possible benefits and disadvantages of Historic Scotland being granted charitable status

This is likely to have unintended consequences that might outweigh the benefits – it will set up a large organisation in direct competition with smaller ones who depend exclusively on charitable giving for their operations. It would create confusion in the funding arrangements and jeopardise the logic with which HS currently distributes grants and commissions activities. It may sit awkwardly with the remit of listing buildings and other legislative activities.
The granting of charitable status leaves HES vulnerable to the unpredictability of external funding streams, with competition coming from other major players in the sector for funding, and brings into question the sustainability of the organization. In addition, it will compare unfavourably with the way other European nations manage and promote their collective national identity.

- The implications for staff in HS and RCAHMS of the creation of Historic Environment Scotland.

Icon urges that Historic Environment Scotland does not forget the wealth of in-house professional expertise in conservation that already exists in the two bodies, and that every effort is made to maximise and exploit the potential of the existing staff at the HS South Gyle conservation workshop and the RCAHMS conservation studio in promoting the understanding and enjoyment of Scotland’s historic environment. The conservators and other staff in these centres of excellence should play a central role in using material culture to tell stories, and to communicate values and identity and build support for the HES activities. They seem to be a mostly untapped resource in this respect.

- Whether the Bill will improve existing policy and practice in relation to grants and loans; scheduled monuments; and listed buildings.

There is as yet no evidence on which to judge this. It may bring improvements, or just be different.

Additional comment:
The choice of Historic Environment Scotland as the name for:
- a shared tangible and intangible national heritage
- a high-level strategic vision
- an organisation

is likely to result in considerable confusion, especially in spoken language. It also confers a certain status on the organisation and infers a remit, which in reality it will not be set up to deliver on its own, and which is in contradiction to the message of the Historic Environment Scotland Strategy.