

Communities, Equality and Local Government Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date:

Wednesday, 24 June 2015

Meeting time:

09.00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Sarah Beasley

Committee Clerk

0300 200 6565

SeneddCELG@Assembly.Wales

Agenda

1 Introductions, apologies, substitutions and declarations of interest

2 Local Government (Wales) Bill – Stage 2 – consideration of amendments (09.00 – 12.30) (Pages 1 – 3)

In accordance with Standing Order 26.21 the Committee will dispose of amendments to the Bill in the following order:

Sections 2–42

Section 1

Long title

Supporting documents:

[Marshalled List of Amendments](#)

[Groupings of Amendments](#)

In attendance:

Leighton Andrews AM, Minister for Public Services

Sharon Barry, Lawyer, Welsh Government

Gareth Thomas, Policy Adviser, Local Government Reform, Welsh Government

3 Papers to note (Pages 4 – 11)

Document is Restricted

Agenda Item 3

24 June 2015 – Papers to note cover sheet

| Paper No: | Issue | From | Action Point |
|-----------------------|-----------------------------------|--|--|
| Public papers to note | | | |
| 1 | Historic Environment (Wales) Bill | Deputy Minister, for Culture Sport and Tourism | Additional information following the meeting on 4 June 2015 |
| 1a | Historic Environment (Wales) Bill | Deputy Minister, for Culture Sport and Tourism | Additional information following the meeting on 4 June 2015 (Historic Environment Records) |
| 1b | Historic Environment (Wales) Bill | Deputy Minister, for Culture Sport and Tourism | Additional information following the meeting on 4 June 2015 Tourism (Advisory Panel) |

Ken Skates AC / AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism



Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee
CELG(4)-18-15 Papur 1 / Paper 1

Llywodraeth Cymru
Welsh Government

Christine Chapman AM
Chair of the Communities, Equality and Local
Government Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA
Christine.Chapman@assembly.wales

16 June 2015

Dear Christine,

During my appearance before the Communities, Equality and Local Government Committee on 4 June to give evidence on the Historic Environment (Wales) Bill, I undertook to provide the committee with further details on:

- the current status of Historic Environment Records (HERs);
- the responsibilities of the Historic Environment Group and the proposed Advisory Panel for the Welsh Historic Environment, to illustrate how they will work alongside each other.

I am happy to provide the accompanying documents to address these matters.

Yours ever,

Ken Skates AC / AM
Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

Historic Environment Records

Current position

A historic environment record (HER) stores and provides access to systematically organised information about the historic environment in a given area. It is maintained and updated for public benefit in accordance with national and international standards and guidance.

HERs in Wales are sources of — and signposts to — information relating to landscapes, buildings, sites and finds spanning more than 200,000 years of human activity. Records may include archaeological sites, buried remains, chance finds, excavations, significant landscape areas, buildings and standing monuments.

HERs are not permanent archives, but pull information together and direct users to in-depth resources elsewhere. The information held in HER databases and collections thus provides a starting point for:

- supporting the conservation, management and protection of the historic environment;
- informing strategic planning and development management decisions;
- supporting heritage-led regeneration; and
- supporting fieldwork and research into the historic environment.

The HERs also act as important primary sources of information for local communities about their local heritage.

There are currently four regional HERs that together provide comprehensive coverage of the whole of Wales:

- Clwyd-Powys HER
- Dyfed HER
- Glamorgan-Gwent HER
- Gwynedd HER.

The corresponding Welsh Archaeological Trusts (WATs), which were established in the 1970s, created the regional HERs and have kept them up to date.

The Association of Local Government Archaeological Officers-UK (ALGAO-UK), has developed a set of benchmarks/standards for HERs in the UK. With appropriate changes and updates, agreed with Cadw and the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), these have been adopted in Wales by the four WATs and ALGAO-Cymru. In 2010, Cadw asked the RCAHMW to commission an independent audit of the four regional HERs to test them against the first-level benchmark of these standards. They were all found to meet the appropriate standard, although in some cases concerns were expressed about the level of dedicated staff resource that was available for the upkeep of the record.

Preparation of the draft statutory guidance, *Managing Historic Environment Records in Wales*, included a review and update of the standards and benchmarks for HERs

in Wales to account for changes in national data management standards and the requirements of the historic environment legislation. The review was led by the RCAHMW in consultation with key stakeholders including the WATs. An audit of the four regional HERs against these benchmarks is currently underway, managed by the RCAHMW and due to be completed by the end of June 2015.

Current funding arrangements for the HERs

As detailed in the Regulatory Impact Assessment (RIA) for the Bill, the Welsh Government provides the main funding for the HERs in the form of an annual grant of £120,000 to the WATs for maintenance and management.

Cadw gives the WATs an additional sum of around £30,000 per annum to support public enquiries services for the HERs. The LPAs occasionally commission small projects or provide small grants for the enhancement of HERs in their areas.

The RCAHMW currently assist the Welsh Ministers in the consideration of the requests from the Welsh Archaeological Trusts for these grants. They also advise the Welsh Ministers on the expenditure against a programme of work that is agreed in advance of each financial year. This monitoring provides assurance that the HERs continue to meet current expectations and standards and, when required, advice on appropriate programmes for improvement.

The WATs raise some additional revenue through fee charging for commercial access to the HERs — this is on a ‘cost recovery’ basis and is designed to cover officer costs and materials, photocopying, etc. Each of the WATs has a fee-charging policy that is published on their website.

Engagement and consultation

In 2013, following its inquiry into the Welsh Government’s historic environment policy, the Communities, Equality and Local Government Committee recommended that the status of the Welsh HERs should be strengthened and that they should be placed on a statutory basis.

Historic environment stakeholders, particularly from the archaeological community, have also called for statutory HERs across the UK. We are in a better position in Wales to introduce such a measure partly because of the unique system of regional HERs provided by the WATs and the current funding arrangements.

In the consultation, *The future of the past*, there was strong support for placing the HERs on a more stable footing. In order to take this forward, there has been a long and constructive dialogue with the Welsh Local Government Association (WLGA), the WATs and RCAHMW about the practical implementation of the proposal for statutory HERs.

Duty on local planning authorities

The Bill has been drafted to specify that ‘each local planning authority must create and keep up to date a historic environment record’ (section 33(1)).

It is felt that the LPAs are the most appropriate recipients of this duty. They are the principal users of the HERs, routinely drawing upon them to inform their local development plans and their determinations of planning applications. They are also best placed to identify the importance of historic assets and to monitor change within their area. By placing this duty on LPAs, it will encourage them to acknowledge the central importance of the HERs to the intelligent and sustainable management of the Welsh historic environment.

The WATs would be unable to assume the statutory duty for the HERs directly due to their status as charitable trusts.

The Bill includes specific provisions (section 35) to allow a local planning authority to make arrangements for the discharge of that duty by a third party. Two or more local authorities may also jointly arrange for the discharge of the duty.

The expectation is that Welsh local planning authorities will continue their current arrangements with the WATs for the provision of HER services. The WLGA has indicated that authorities are likely to adopt this approach, and has not expressed any significant reservations about the imposition of the duty on that basis.

Reliance on the expertise and resources of the existing HERs, delivered by the WATs, will be the most cost-effective means of delivering the requisite information and advice to local planning authorities and other HER users. The continued regional delivery of HER services will allow sufficient resources to be made available for the employment of dedicated HER officers to take responsibility for the maintenance and interpretation of the records.

Central funding of the WATs will eliminate the need for 25 separate negotiations between the LPAs and the WATs.

However, should any local planning authorities decide not to use the WATs to create and maintain the HERs, they would receive their proportion of the funding.

Prior to entering into joint arrangements or entrusting the discharge of their duties to another person, the local planning authorities concerned must seek the approval of the Welsh Ministers (section 35 of the Bill). The purpose of this provision is to satisfy the Welsh Ministers that the arrangements are adequate to meet the standards and benchmarks set out in the statutory guidance.

HER standards and staffing

Section 36 of the Bill allows the Welsh Ministers to issue statutory guidance for the HERs. Draft guidance, which includes benchmarks and standards for the HERs, has been published so that it can be considered alongside the Bill. This guidance will be amended in light of any changes to the Bill during scrutiny and then released for full public consultation.

The guidance will require that the data held in HERs meet recognised national standards for historic environment records (as defined by the MIDAS Heritage

compliance profile).

The 2015 audit which is being undertaken by the RCAHMW is intended to review the quality and content of the HERs. It will be followed by the development of a five-year enhancement plan for each HER, intended to address any identified shortcomings. This will include discussions with key stakeholders including local authorities.

In the future, the RCAHMW will monitor the standards and service levels of all HERs, regardless of their management arrangements on behalf of the Welsh Government. It will coordinate and validate audits on a five-year cycle to review data quality, evidence performance and identify any needs for enhancement.

Under current funding arrangements, the WATs only have part-time officers to curate the HERs. To meet the data and service standards that will be placed on the statutory HERs, each HER will have to employ one full-time officer with appropriate qualifications and experience to manage an extended range of historic environment information resources.

The additional funding that will be required to support this change in staffing is set out in the RIA. It is estimated that each WAT will need to receive an additional £20,000 per annum to permit the employment of a full-time HER officer.

| | Historic Environment Group | Advisory Panel for the Welsh Historic Environment |
|--|---|---|
| Purpose | <p>To encourage partnership working, stakeholder communication and coordinated action across the historic environment sector.</p> <p>It acts as a forum for organisations with an interest in the historic environment to promote strategic and operational collaboration and delivery across the sector.</p> | <p>To provide independent expert advice to the Welsh Ministers on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment of Wales.</p> <p>It will act as an independent group of experts to inform a robust evidence base and provide advice on which decisions can be based.</p> |
| Membership | <p>Membership comprises representatives of organisations, rather than individuals acting in their expert capacity.</p> <p>The group currently comprises 20 Members.</p> <p>Each participating organisation, association or group of organisations sends a nominated senior representative.</p> | <p>Membership will comprise individuals rather than representatives of organisations.</p> <p>The panel must not exceed 15 members.</p> <p>Individuals will be appointed to the panel based on their skills and expertise.</p> |
| Appointment process | <p>There is no formal appointment process.</p> <p>Individuals are nominated by their organisations. Attendance is often rotated between different people within an organisation or between organisations in an association or grouping.</p> | <p>There will be a formal appointment process.</p> <p>Members will be appointed through open advertisement and competition.</p> |
| Work programme and reporting mechanisms | <p>The work programme is developed by Cadw in consultation with members of the group.</p> | <p>The work programme will be developed by the panel for consideration by the Welsh Ministers.</p> |

The relationship between the Historic Environment Group and the Advisory Panel for the Welsh Historic Environment.

| | | |
|---------------------|---|---|
| | <p>The Welsh Minister who is currently responsible for the historic environment usually attends at least part of two meetings a year to directly listen to the views of members and to participate in the discussions.</p> <p>Minutes of meetings are circulated and made available on request.</p> | <p>The panel will develop a three-year work programme setting out matters on which it plans to provide the Welsh Ministers with advice. The work programme will be kept under review over this three-year period.</p> <p>It is expected that the panel will formally report to the Welsh Minister on the delivery of the work programme for each three-year period, as well as providing annual progress reports.</p> <p>These reports will be made publicly available.</p> |
| Remuneration | No remuneration. | It is proposed that panel members will be appointed for a maximum of 10 days per annum, and receive £145 per day. The chair will be appointed for 15 days at £190 per day. |
| Meetings | <p>The group meets four times a year.</p> <p>Task and finish groups are frequently convened to consider specific issues. Current subgroups have been tasked with considering climate change and the historic environment and skills provision in the sector.</p> | <p>It is proposed that the panel will meet formally at least two times as year.</p> <p>Elements of the work will be taken forward outside of meetings. In a number of instances small groups or individuals will be working on specific topics/advice.</p> |
| Chair | The Welsh Minister who is currently responsible for the historic environment or a senior Cadw official chairs the meetings. | A member of the panel will be appointed as the chair. |