

## **Scoping report – Heritage Task & Finish Group**

**Membership:** To be confirmed by Place O&S Committee.

**Terms of Reference:** ToR to be agreed by Place O&S committee.

### **Definition:**

*“Our heritage is what we have inherited from the past to value and enjoy in the present, and to preserve and pass on to future generations.”* (What is Heritage? | The Heritage Council: )

This Task & Finish Group recognises that the definition of heritage can encompass a wide range of elements, including cultural, historical, and social aspects. However, for the purposes of this work, the focus will be on historic buildings, structures and artefacts in the city, and including lesser known, but still ‘at risk’ assets. The group will explore how to preserve heritage assets during times of limited funding by developing new ways of supporting community groups, generating income, and applying best practices drawn from other local authorities and organisations. The group aims to provide clear recommendations to support the preservation of heritage assets in the city, whether publicly or privately owned.

### **Heritage Strategy**

The Council is currently working on its new Heritage Strategy. This Task & Finish Group will ultimately form recommendations that will feed into the development of this strategy. The timeline for the strategy has been altered to cater for this. The Heritage Strategy will be agreed by Cabinet following a period of public consultation.

The Council wants to reimagine its role as facilitator in helping people to look after their buildings, of which some may be in disrepair, at a time when funding and resources are scarce. *“There remains a need to raise awareness of what makes the city’s heritage so important, to develop a positive city-wide appreciation of these special qualities and to create a pride in the historic environment and confidence in its future conservation.”* (Conservation Strategy, 2015)

### **The Issue:**

The look and feel of the city is a key priority for Brighton & Hove City Council (City Plan; Council Plan 2023 to 2027.pdf) where conserving and developing the unique culture and heritage of the city contributes to Outcome 1 of achieving the Council Plan: “A city to be proud of”.

### **Private ownership**

The protection and preservation of all heritage assets in the city can be difficult to achieve, as many are privately owned. Private owners are considered as the “guardians” of historic buildings and structures and it is vitally important that they are

aware of their responsibilities towards them. However, there can be issues in effectively engaging with owners to address problems.

*“Owners of listed buildings or buildings within conservation areas have no specific duty to keep their buildings in a good state of repair and may be reluctant to do so when the building is perceived to be of insufficient value to justify its long-term upkeep. The council is however empowered to take action where a building has deteriorated to such an extent as to put its preservation at risk and / or to cause wider visual harm to the area”* (Conservation Strategy 2015 point 8.1).

#### Council owned heritage assets

A council has a responsibility to act as a steward for the heritage assets under its ownership, ensuring they are properly maintained, conserved, and managed in line with heritage protection laws. This includes keeping them in good repair, seeking consent for any changes, and balancing preservation with public access, safety, and community benefit. However, they often face challenges such as limited budgets, the high cost of specialist repairs, balancing modern use with conservation, and managing public expectations while safeguarding the historic significance of these assets.

From a recent research paper commissioned by the government, they found that *“Council-run heritage sites and provisions have faced cuts across ... the LAs. This has resulted in public access to museums, galleries and heritage sites being reduced and, in some cases, sites have been completely closed. This has left some districts with no access to their public heritage sites or collections.”* (Impacts of changes to local authority funding on small to medium heritage organisations - GOV.UK)

#### Conservation areas and conflict with modernisation

Over recent years, there have been increased pressure to allow energy efficiency alterations to buildings in conservation areas and listed buildings and there is a balance to strike between protecting the heritage asset and allowing sustainable additions to a building. The planning team rely on guidance from Historic England on this matter and is positive about the need for historic buildings to reduce their carbon emissions. However, this can cause frustration for residents where heritage protection means that energy saving measures have to conform to a higher standard of design.

#### Lack of enforcement powers

The Council holds responsibility for heritage assets under its ownership. They must adhere to national planning policy and guidance and are expected to have a positive and proactive approach to the conservation and enjoyment of the historic environment. Without a formal duty of care or stewardship, some assets may be viewed as financial burdens by local authorities and be placed at risk. Nationally designated assets, such as listed buildings, cannot be easily demolished, and any

attempt to do so would likely cause significant public concern. In contrast, heritage assets with local rather than national significance do not enjoy the same degree of protection (Green\_Balance\_Final\_Report\_2012\_1\_-pdf).

There is no specific duty on private owners to keep their buildings in a good state of repair but local authorities have powers to take action where a designated heritage asset has deteriorated to the extent that its preservation may be at risk (The upkeep and repair of historic buildings - GOV.UK). Councils and the government can step in with emergency works, repair notices, or even force a sale if a listed (or in some cases, unlisted but important) building is at serious risk.

However, enforcing the maintenance of heritage buildings is difficult due to several factors, including large costs for owners, a shortage of specialised labour and materials, complex legal frameworks, and challenges in monitoring compliance. Historic properties often require ongoing, intensive care that is difficult for a local authority to mandate and oversee, particularly when there are large numbers of them. There are resource issues with most councils and a lack of funding available.

The Brunswick Estate is subject to The Hove Borough Council Act 1976 which states that the fronts of all properties in the original Brunswick Estate must be maintained unaltered and painted every five years adhering to a specific type and colour of paint. (Brunswick Estate Repainting Specification 2020/2021) This Act of Parliament allows the council to take action for non-compliance including issuing notices or prosecution, but the same is not true of many other similar areas.

### Lack of funding

Maintaining a heritage building or asset can come with considerable costs which some owners, including the Council, may not have the funding for. Grants or incentives from councils, central government and other organisations are limited or non-existent, which leaves a gap between what's required and what's financially feasible for owners. There are potential funding sources such as Historic England, the National Lottery Heritage Fund and the Government but these are limited, with high eligibility criteria, and they are very competitive.

Non-profit and community groups can be more successful with funding applications than private owners, and even sometimes local authorities, as they can demonstrate significant public benefit and community engagement.

### Working with community groups

The Conservation Strategy 2015 said *"The council will work with local amenity societies to identify potential buildings at risk and will support and work with those local groups or organisations who wish to become involved in the restoration and re-use of historic buildings."* (Conservation Strategy, 2015)

There are many community groups and local societies with an interest in the local heritage such as the Conservation Advisory Group, the Regency Society, Friends of

the Pepper Pot, Hove Civic Society, The Keep etc who the Council could partner with and support to take responsibility for certain heritage assets. Currently, a member of the Heritage Team meets with some of these groups regularly, but it would be worthwhile looking into how the council can use these groups to assist in this work.

### **Potential areas of enquiry:**

How can we as a city work with our residents - and enable them to work with us, in a two-way flow of dialogue and ideas - to facilitate and enable them to protect their heritage buildings:

- what support the Council can offer in terms of guidance, advice, and communications, and the current capacity to do so
- understand barriers that those responsible for preserving heritage assets face and what kind of support would be useful.
- what a communication campaign could look like in reminding people of their responsibilities in maintaining the character and appearance of the city.
- how the Council might reimagine its role as a facilitator, especially in the context of reduced funding, by identifying alternative solutions and sources of funding for heritage projects, for example, by setting up a Heritage Network.
- How to encourage greater involvement from residents/community groups.
- How other councils ensure heritage assets are protected
- How to make heritage assets financially sustainable
- Academic research on the issue

### **Potential witnesses:**

- BHCC Heritage Team; what are the issues they face in preserving the city's heritage assets? What questions do officers need answering to help with the development of the strategy? What issues do they face when reaching out to owners? how do they currently work with community groups/societies? What has been effective in the past? Is there any learning we should be aware of?
- Communications Team; what is the best way to communicate with owners and residents about this? How do we reach them? What methods would be effective here?
- Private owners/institutions of heritage assets; what barriers do they face in maintaining heritage buildings? What could the council offer that would be most helpful? What support do they need?
- Academics; how important are heritage buildings and assets? Is there any research on their impact on the local economy? Is there research into initiatives to preserve them?
- Other local authorities: are they facing similar issues? How have they overcome these? What support do they offer? Are there any examples of best practise or new initiatives that would be of interest? What other funding sources are out there?

- Local Government Association; what relevant research have they undertaken on this topic? Are there any advice, support or specific insights they can provide? Do they know of any examples of best practise?
- Amenity societies, Community groups, and “Friends of” groups etc; is taking on the responsibility for a heritage site something they would be keen to do? What support would they need? What initiatives do they take at the moment and what would they like to do in future? What are the examples of best practise currently either locally or further afield?
- Visit Brighton; how big a part does the local heritage play in the tourism offer? What are the most popular sites? Are there any smaller or lesser known heritage assets that could be given more status? Is there a funding avenue here?
- Historic England; what funding is available for the preservation of heritage assets at the moment? How rigid is the eligibility for funding applications? is there any scope in introducing or changing the funding/eligibility criteria that is currently on offer? What role does central government play in supporting the preservation of heritage assets, and has there been any change on this since the General Election took place?
- The Keep; how do they look after heritage assets in their collection? Are there any lesser known assets or artefacts that could be used to generate income in some way? Do they have any new initiatives that they could share with us? How successful is their partnership working? Do they partner with community groups at all and how does that work? What support do they provide?

