

FROM: Audit and Risk Manager **SUBJECT:** Conservation and Design
TO: Head of Development Services **DATE:** 31 March 2020
C.C. Chief Executive
Deputy Chief Executive (BH)
Head of Finance
Development Manager
Principal Conservation Officer
Portfolio Holder (Cllr Cooke)

1 Introduction

- 1.1 In accordance with the Audit Plan for 2019/20, an examination of the above subject area has recently been completed by Ian Wilson, Senior Internal Auditor, and this report presents the findings and conclusions for information and, where appropriate, action.
- 1.2 Wherever possible, findings have been discussed with the staff involved in the procedures examined and their views are incorporated, where appropriate, into the report. My thanks are extended to all concerned for the help and cooperation received during the audit.

2 Background

- 2.1 The subject of this examination has traditionally drawn the attention of Internal Audit by virtue of Council-funded grant assistance allocated towards the costs of maintaining listed buildings and other eligible historic constructions, especially those in conservation areas. With the demise of all relevant grant schemes (the last of which was discontinued in 2016), the audit focus is shifted more towards structures and processes in respect of:
- management of the historic built environment within the Council's legislative and regulatory powers and obligations;
 - ensuring effective consultation input to the mainstream planning process where it applies to the historic built environment.
- 2.2 The most notable developments relevant to this subject since the last audit are:
- adoption of the Local Plan 2011-2029 (effective 2017);
 - adoption of a Local List of Heritage Assets (2017);
 - designation of a new conservation area for the canal network (2018).

3 **Scope and Objectives of the Audit**

3.1 The purpose of the audit was to report a level of assurance on the adequacy of structures and processes in place for managing the historic built environment of the district. The audit was performed as an evidential risk-based overview focusing on the following areas:

- strategy and policy direction
- roles and responsibilities
- processes and procedures.

3.2 The findings are based primarily on examination of relevant accessible documents and records. While consultation with relevant Development Services staff during the audit was envisaged, this had to be limited owing to corporate measures for dealing with the coronavirus outbreak and other inhibiting circumstances at the time. The primary contact was the Principal Conservation Officer.

4 **Findings**

4.1 **Recommendations from Previous Report**

4.1.1 The previous audit, reported in February 2017, gave rise to a single low-risk recommendation:

“The GIS Team should be made aware of all changes to conservation areas and listed buildings in a timely manner”.

4.1.2 The issue that this arose from was the discovery that the GIS system had not been updated to reflect the designation of the Poor Clares Convent (Baddesley Clinton) as a conservation area in 2013.

4.1.3 The latest testing on this has shown the GIS to be up to date on both conservation areas and listed buildings, therefore the recommendation can be deemed as duly addressed.

4.2 **Strategy and Policy Direction**

4.2.1 The influences of legislation and central government planning policy are a substantial factor in the Council’s framework for managing the historic built environment in the District. These are especially manifest in:

- the Planning (Listed Buildings and Conservation Areas) Act 1990 (and accompanying Regulations)
- the National Planning Policy Framework (NPPF), Section 16.

4.2.2 Another key external influence is the Historic England listing framework for historic buildings.

4.2.3 At District level, the legislative and national policy direction is taken up by the Section 5 of the Local Plan 2011-2029. The exercising of the Council’s powers and obligations in this context is essentially through the planning system. Fed into this are three inter-connected policy instruments which have traditionally made their mark:

- provisions for listed buildings
- conservation areas
- Article 4 Directions.

- 4.2.4 More recently, these have been complemented by the launch of a Local List of Heritage Assets containing thirteen discrete units.
- 4.2.5 All four of the above categories are represented in the corporate GIS as overlays and the Acolaid planning system automatically invokes the background GIS data to flag up cases where any of these overlays apply to specific application sites.
- 4.2.6 Extractions from the corporate e-mapping resource show around 1,500 listed buildings in the District. A test on new Historic England listings since the previous audit showed that the Council GIS has been updated with all applicable buildings.
- 4.2.7 Finding definitive figure for the number of conservation areas in the District proved a slight challenge. Supporting narratives in the current year's published Budget Book quotes 29, but this was dismissed as unreliable being a recycling of the same narrative (without update) going back to 2010 and still referring to the defunct grant schemes as still in operation. This has been raised with the relevant accountant in Finance for action to update the narrative for the 2020/21 budget publication.
- 4.2.8 Based on the Local Plan and the later addition of the Canal Conservation Area, the number now stands at 32. A brief examination of the e-mapping portal, in conjunction with the published literature, confirmed duly accurate and complete representation in the GIS.
- 4.2.9 Ongoing review of existing conservation areas has traditionally been a by-product of day-to-day planning decision activity. It is noted that the 2020/21 Service Plan for Development Services provides for review of all the conservation areas as a discrete project and comments received from management indicate a multi-year time span envisaged for this.
- 4.2.10 Article 4 Directions is another area where obtaining a picture of the scale in terms of the number these instruments in force proved challenging, in this case without resolution due to an inconsistency discovered between departmental and central document storage. This is further complicated by the fact that not all Directions in force relate exclusively to conservation matters (one known exception is the Houses in Multiple Occupation Article 4 Direction implemented in 2011).
- 4.2.11 On the basis that Article 4 Directions are in the form of legal documents carrying the Council's common seal, it was initially assumed that they would all be registered in the central Document Store. While that appears to be the case for the majority, others not so registered later emerged and it was advised that a departmental archive is still used for them (by that time, physical inspection by the auditor was not possible due to the corporate coronavirus measures).

- 4.2.12 Information resources available suggest the presence of ten discrete Article 4 Directions directly relevant to the historic built environment, but there could well be more. As an informal advisory, it has been suggested that consolidated storage of all Article 4 Directions in the Document Store be considered. In response the first stage of the draft report, the Principal Conservation Officer advised that is something that will be looked into as part of a review of current Article 4 Directions and the implementation of new ones.
- 4.2.13 The formulation of a Canal Conservation Area Management Plan is provided for in the 2020-21 Service Plan. Examination of relevant literature and comments received from management indicate that adoption of further Article 4 Directions could come out of this Plan.
- 4.2.14 There is a wealth of relevant literature published on the Council's website including guidance on listed buildings and conservation areas both holistically for the District and for individual conservation areas. The bulk of these date from 2010 and refer to Article 4 Directions in force at the time as they apply respectively - it is assumed that the aforementioned review of conservation areas could well lead to the updated material being published.

4.3 **Roles and Responsibilities**

- 4.3.1 The hierarchy of decision powers and responsibilities comes across as appropriate and well-defined. It was verified from a brief history track through the Committee management system that decisions to adopt new conservation areas and Article 4 directions require the approval of the Executive, as do any significant changes to existing ones. The same applied to the adoption of the Local List of Heritage Assets, although a measure of delegated authority to the Head of Development Services is in place for determining future additions.
- 4.3.2 Examination of such decisions looking back over several years also showed that these have always followed public consultations which were themselves initiated on the strength of Executive resolutions.
- 4.3.3 Decision roles in respect of day-to-day application and enforcement matters, including those where policies governing the historic built environment apply, are bound up the in Committee functions and officer delegation provisions of the Council's Constitution and warrant no further comment here.
- 4.3.4 The Conservation Advisory Forum (a long-established consultative body made up of a combination of Member, officer and external stakeholder representatives), continues to function under a constitution adopted in 2012.
- 4.3.5 The officer structure in this context is a relatively lean and simple one with a Principal Conservation Officer (PCO) post reporting directly to the Development Manager and supported by an Assistant Conservation Officer now in post. From information seen, the team role comes across as overwhelmingly advisory in a specialist professional and technical capacity.

4.3.6 This includes direct input to planning determinations, policy making and external hearings/enquiries. Administering and supporting the Conservation Advisory Forum is also specified for PCO post.

4.4 **Processes and Procedures**

4.4.1 This area has been considered only in terms of input by the Conservation Team and Conservation Area Advisory Forum to the planning decision process. The mechanics of the consultation process behind such input have long been built into the systems of operation underpinned by the Acolaid system.

4.4.2 As a project is known to be in progress to implement a replacement to Acolaid, it was not deemed appropriate to examine this area in any detail beyond some limited sample testing. This was performed in a manner similar to the previous audit and did not reveal any issues.

5 **Conclusions**

5.1 Following our review, in overall terms we are able to give a SUBSTANTIAL degree of assurance that the systems and controls in place in respect of Conservation & Design are appropriate and are working effectively.

5.2 The assurance bands are shown below:

Level of Assurance	Definition
Substantial Assurance	There is a sound system of control in place and compliance with the key controls.
Moderate Assurance	Whilst the system of control is broadly satisfactory, some controls are weak or non-existent and there is non-compliance with several controls.
Limited Assurance	The system of control is generally weak and there is non-compliance with controls that do exist.

5.3 There are no recommendations arising from this report.

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