



Manchester  
Community  
Central  
Supporting our voluntary  
and community sector  
Managed by Macc

## Heritage Building Network Session 1: Gearing Up

Heritage Lottery Fund, Historic England, Architectural Heritage Fund,  
Manchester City Council and Macc (Manchester Community Central)

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## Community Asset Transfer (CAT)

- **Community *assets*** are land/buildings owned or managed by community organisations
- **Community Asset Transfer** is an established mechanism enabling the **transfer** of ownership or management of publicly owned assets at **less than market value**
- A voluntary process entered into proactively by public bodies

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## CAT

The General Disposal Consent 2003 allows public bodies to:

- **transfer ownership and management** of land/buildings they own **to local communities**
- at 'less than best consideration' –**at less than full market value**
- *Community Right to Bid is different -handout*

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### CAT

- Long leasehold
- Shorter term agreements –these are not asset transfer
- Length of lease is negotiable
- Length of lease should reflect capital investment
- More info at: <http://bit.ly/1pWzUPF>

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PRESENTATION TO  
**THE HERITAGE BUILDINGS  
 NETWORK**

21st June 2016

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### 1. INTRODUCTION

#### SOURCES OF INFORMATION

- Legislation
- Government policy and guidance (e.g. 'National Planning Policy Framework' (NPPF) and the associated 'Planning Practice Guidance: Conserving and Enhancing the Historic Environment')
- Historic England publications (e.g. 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment')
- Reputable websites such as that of Historic England ([www.HistoricEngland.org.uk](http://www.HistoricEngland.org.uk)) and other conservation organisations including:
  - Institute for Historic Building Conservation (IHBC)
  - Society for the Protection of Ancient Buildings (SPAB)

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**2. WHAT TYPE OF HERITAGE ASSET OR ASSETS ARE YOU DEALING WITH?**

Early identification is critical:

- Designated: Most common are Listed Buildings, Scheduled Monuments, Conservation Areas and Registered Parks and Gardens
- Non-designated

Bear in mind:

- Your building (and associated land) may be covered by more than one designation.
- Your building may be next to buildings or sites covered by designations which will influence what you can do with yours.
- The need to consider the settings of heritage assets as well as the assets themselves.

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**IDENTIFYING HERITAGE ASSETS**

Designated heritage assets – use the web-based 'National Heritage List for England'

[Top tip: A plan based search is the most useful.](#)

Non-designated heritage assets – identified by individual Local Planning Authorities

[Top tip: Contact your LPA at the outset to double check the existence of \*\*any\*\* heritage assets and what features would be covered by particular designations.](#)

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**4. HERITAGE SIGNIFICANCE: WHAT IS SPECIAL ABOUT THE HERITAGE ASSET(S) YOU ARE DEALING WITH?**



Heritage significance can result from one or a combination of factors explained in some of the documents referred to earlier.

Understanding the heritage significance of you heritage asset forms the foundation for:

- Possible future change
- On-going management

Is best achieved by an 'assessment of heritage significance' – a principally an evidence based process.

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**5. LISTED BUILDINGS: A VERY QUICK GUIDE**

Principal legislation: *Planning (Listed Buildings & Conservation Areas) Act 1990.*

**WHAT IS A LISTED BUILDING?**

A building of special architectural / historic interest considered to be of national importance and therefore worth protecting.

**WHO LISTS THEM?**

The government with advice from Historic England using set criteria.  
*Historic England has some 30 thematic 'Listing Selection Guides'*

**WHAT DO THE DIFFERENT GRADES MEAN?**

Listed buildings are classified into three grades:  
Grade I Only 2.5% of listed buildings -of exceptional interest  
Grade II\* 5.5% of listed buildings -particularly important buildings  
Grade II 92% of listed buildings -of special interest warranting every effort to preserve them.

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**WHAT IS COVERED BY A 'LISTED BUILDING' DESIGNATION?**

When building is listed it is accompanied by a 'listing description'.

- Before June 2013 these descriptions were intended to primarily enable the **principal** building being listed to be identified and so were not intended to be a complete schedule of the features of importance.
- From June 2013 any new (or revised) listing descriptions have been more detailed.

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The listing of a building covers:

The entire building (unless a listing description explicitly says otherwise) - inside and out. This is even the case if the description states "Interior not inspected".

Objects, structures or extensions of any age affixed to a listed building.

Any free-standing structure that forms part of the land and has done so since 1st July 1948. These are commonly referred to as 'curtilage structures'.

Just because a feature is not mentioned in the listing description does not mean it is not listed.  
The more recent listing descriptions can, however, explicitly identify features not covered by the listing.

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**CURTILAGE AND SETTING OF A LISTED BUILDING**



The curtilage of a building tends to be a legal term based on the ownership of land and its association with a building and its function. The setting of a building is (usually) a more extensive and subjective area - it is the area that sets the context for the building and takes into account issues such as views.

*Historic England publications:  
 'A Historic England Advice Note: Listed Buildings and Curtilage'  
 'Historic Environment Good Practice Advice in Planning: 3, The Setting of Heritage Assets'*

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**What is included within the curtilage of a listed building?**




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**SPOT THE LISTED BUILDINGS!**




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**WHAT WORKS TO A LISTED BUILDING ARE CONTROLLED?**

Listed Building Consent (LBC) must be obtained for demolition, alteration or extension in any way which would affect its character as a building of special architectural or historic interest.

Some works that may not require LBC such as:

- Basic regular maintenance
- Limited like-for-like repairs
- Some other relatively minor works

A 'conservation approach' is required:

- To preserve the building or its setting or any features of special architectural or historic interest which it possesses.
- To have due regard to the heritage significance.

[Top tip: Contact the Local Planning Authority's Conservation Officer to check on the need for LBC and what an acceptable conservation-led approach may be. The clearer the information you provide the clearer the advice will be.](#)

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**WHAT INFORMATION IS REQUIRED FOR A LBC APPLICATION?**

Certain information is required to form a part of an LBC application including a 'heritage statement' and you are best contacting your LPA to confirm what the exact requirements would be as this will, to some extent, depend upon the nature of the proposal.

**HERITAGE STATEMENT**

$$\begin{array}{c}
 \text{An 'Assessment of heritage significance'} \\
 + \\
 \text{An analysis of the impact of a particular proposal on this} \\
 \text{significance} \\
 = \\
 \text{A 'heritage statement'}
 \end{array}$$

**Top tips:**

- Engage a qualified conservation accredited person to undertake an assessment and work with you to evolve any proposal.
- Employ conservation accredited contractors with a proven

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**UNAUTHORISED WORKS TO A LISTED BUILDING**

Anyone who has undertaken works or instigated such works to a listed building which required LBC but without having LBC has committed a criminal offence. It may result in enforcement action being taken which can see the building restored to its original condition, a fine being imposed and even imprisonment.

Top tip: When buying a listed building make sure that any works that have been undertaken have any necessary LBC. Enforcement action can be taken at any point following unauthorised work and the responsibility passes to successive owners. If you take on a building that does not have the necessary consents you may have to correct any alterations.

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Example - Somerford Hall, South Staffs (source IHBC)

- Unauthorised works included removal of walls, chimneybreasts and fireplaces, installation of a wall mounted boiler with balanced flue protruding through a painted window, removal of glazed conservatory roof and replacement with felt, infilling of cartway, laying of a concrete floor, creation of a new doorway and insertion of a window, the rendering of brick outbuildings and the replacement of windows with stained double-glazed units, the repointing of a dove-cote, the removal or lowering of freestanding gable walls and capping them with concrete copings, the rendering of a gazebo.
- The lessee who had carried out the works was fined over £40,000 plus costs of over £30,000 in 2002. In addition the occupier of the building was to carry out appropriate repairs to the building at its own cost, in agreement with the Conservation Officer.

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**ARE OTHER APPROVALS REQUIRED?**

Securing LBC does not negate the need for other types of approval, for example:

- Other planning approvals such as Planning Permission and Advertisement Consent.
- Approvals under the Building Regulations.

Other considerations include:

- Accessibility including for disabled people
- Trees
- Sustainability including thermal performance, energy and water.

Please remember we have been focusing on Listed Buildings but there are controls associated with all types of heritage asset – some more, some less rigorous than others.



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**6. FUTURE MANAGEMENT**

**HERITAGE MANAGEMENT PLANS**

A document designed to ensure that the future management of a heritage asset responds appropriately to its heritage significance.

**HERITAGE CRIME**

Just in case your heritage asset is the subject of crime:  
Heritage crime is "any offence which harms the value of England's heritage assets and their settings to this and future generations".  
(Historic England website)

Some heritage assets are protected by specific criminal offences to prevent harm caused by damage and unlicensed alteration.

Other crimes such as theft, criminal damage, arson and anti-social behaviour offences can also harm heritage assets and when such crimes occur and are investigated/recorded as a 'heritage crime' any penalties handed down at trial can be increased to acknowledge this added impact on society and our culture.

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June 2016

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**Community Engagement**  
*Steve Higgins*

- What is community engagement?
- Why do it?
- How do we do it?

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### What is community engagement?

“The gathering of information about communities. This includes knowing how to research, who to contact and why, conducting community research and dissemination of findings, using collective and participatory methods”

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### Why do it?

- Find out what really matters to your communities
- Show people that they can influence decisions and make a difference in their local area
- Improve social cohesion
- Creates a sense of place where people feel they belong to a community
- Communities take ownership of projects and will contribute more to your organisation

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### How to do it

- Communities are not simply geographical. Engage with people where they are, when they are there
- Community could be a place, an identity (BME, LGBT for example) or an interest. Identify key people to talk to
- People often belong to different communities, sometimes overlapping. Consider complementary / competing issues

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### Types of engagement

- Communicating
- Researching
- Involving
- Consulting
- Devolving decisions

... be honest about your engagement, don't overpromise!

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### CAT –What do you need?

1. Know your primary purpose
2. Minimise and manage risk and liability
3. Have the right structure (and run it well)
4. Have the right skills, knowledge and expertise (people)

**=GOOD GOVERNANCE**

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### 1. Know your primary purpose

- a. Why your organisation exists
- b. Governing document
- c. What you can and cannot do
- d. Partly inform whether a building or piece of land is or is not an asset for your organisation

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## 2. Minimise and manage risk and liability

**Assess: Asset...or Liability?**

CAT must:

- Assist in delivery of primary purposes
- Generate enough income to fund repairs, maintenance and ongoing operational costs
- Benefit the community
- Be supported by the community

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## Minimise and manage risk and liability

1. Know your roles and responsibilities  
\*Charities (trustees) and Directors
2. Know what the risks are and plan for them

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### Compliance Scenario

- What steps should your organisation have taken to manage and reduce the risk?
- Who is responsible for getting this done?
- Who is at risk in your organisation if the person sues?
- What is the time period within which someone can sue your organisation?

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### 4. Have the right structure (and run it well)

- What structures are available?
- Which are suitable for asset transfer?
- INCORPORATE! Risk *always* creates liability for individuals if the organisation is unincorporated.
- Your structure now: does it need to change?

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### 4. Have the right skills, knowledge and expertise (people)

How do you know?

- Know Roles and Responsibilities
- Undertake Governance Diagnostic
- Carry out a Skills Audit

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## Mission Impossible?

**“It always seems impossible until it’s done.”**  
*Nelson Mandela*  
**Former President of South Africa**



Supporting our Voluntary and Community Sector

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## Trustee Recruitment

- Undertake Governance Diagnostic
- Carry out Skills Audit
- Write person specification
- Describe Trustee role
- Advertise

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## Next Steps

- Any issues/questions? –contact the **Capacity Building Team** at Macc  
**0333 321 3021** or [info@macc.org.uk](mailto:info@macc.org.uk)
- Next session **20 September 2016**
- Keep networking and sharing
- Evaluations please!

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