



Department for Culture, Media and Sport
Fol Response



9 January 2008

CMS Case Number: 108792

Your request of 23 December 2008 for information regarding listed buildings

I refer to your request for the following information:

- "1. Report prepared by DCMS that resulted in the listing of Wallington Town Hall, Wallington
2. Report prepared by DCMS that resulted in the listing of Trafford Town Hall, Trafford
3. Report prepared by DCMS that resulted in the listing of Plymouth Civic Centre, Plymouth
4. Report prepared by DCMS that resulted in Old Orchard House, Parsonage Lane, Farnham Common, Bucks, SL2 3PA being declined for listing earlier this year"

Which was received on 23 December 2008. I am dealing with your request under the Freedom of Information Act 2000 ('the Act'). I am pleased to say that I can provide you with some of the information you requested and it is enclosed.

Please find enclosed the following document:

A submission sent on 21 March 2006 to the then Minister for Culture, David Lammy, on the subject of Trafford Town Hall, Trafford.

No other reports or submissions relating to the buildings you named in the request are held by DCMS, and as the below answers to your further questions explain, they may not have been necessary to make the decision to list.

I should explain that the amount of documentation generated by the Department on listing will always depend on the individual case type. Some cases (both standard and non-standard) generate no paperwork within DCMS and are handled entirely electronically – all necessary documents are made available to officials through remote access to English Heritage's databases.

You also asked four questions which I am dealing with outside of the FoI Act, as I am treating these as seeking an explanation of the process rather than information held by the department as such. In order for a description of the process to make sense in terms of workflow I will deal with your questions in a different order than they are asked.

Question 2 – "Please can you advise what factors are taken into account by DCMS when writing its report"

As you know listing applications are made direct to English Heritage. English Heritage will examine the case and provide expert advice and a recommendation as to whether each building is listable or not listable. For every case received from English Heritage, DCMS officials must consider for themselves the evidence on the file, alongside English Heritage's advice, and whether they agree with English Heritage's recommendation to DCMS.

When English Heritage refers a case to the Department, it will indicate whether it considers the case to be 'standard' or 'non-standard'. Standard cases will be straight-forward and uncontroversial, for example, where it is clear that the building does not meet the primary listing criteria set out in the legislation and PPG15 (eg, it is a 1980s garage), or a building which is the subject of a delisting application has been destroyed.

Examples of the types of cases in the past which have been regarded as non-standard are those which concern post-war buildings, those which have significant local interest, a high profile building, ie if it is well-known nationally and/or regionally and/or has a strong association with a well-known figure or event, or where decisions are likely to affect a major redevelopment. Cases that start off as standard may turn into non-standard cases at any time, depending on further information received by English Heritage or the Department; and vice-versa.

Question 3 – *“Please can you advise whether the report prepared by DCMS is prepared in consultation with the Minister of Culture or not”*

For standard cases the decision will be made on the Secretary of State's behalf at official level. It is an established principle that officials in central government departments are allowed to take decisions in the minister's name without the need for the formal delegation of authority. Some non-standard cases will be submitted to senior officials or Ministers for a decision, with a recommendation from officials.

Question 4 – *“Please can you advise whether or not the report prepared by DCMS makes a recommendation or merely states facts and whether the Minister's decision is always in accordance with the DCMS report (assuming the report actually makes a recommendation)”*

A submission to senior officials or Ministers will summarise all the evidence available in the case, including advice from English Heritage, will provide an analysis of all representations for or against listing, and will offer a recommendation based on the listing criteria set out in Planning Policy Guidance Note 15 as to whether to accept English Heritage's advice. The final decision rests with the senior official or Minister to whom the case is submitted. The Department does not have to agree with English Heritage's recommendation if there is credible evidence for the Department to support a different decision. However, as English Heritage is the Secretary of State's statutory adviser on the historic environment, good reason will normally be needed to disagree with its recommendation.

Question 1 – *“Please can you advise whether the listing of a building actually constitutes a legal document signed by the Minister of Culture, in the same way as, for instance, a Tree Preservation Order is signed off by the relevant officer of a local authority (if so, please can you send me a copies in respect of the above properties, including the one declined for listing). If this is not the case, can you please explain the process”*

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Secretary of State for Culture, Media and Sport has a statutory duty to compile lists of buildings of special architectural or historic interest, and may amend any list so compiled. When a list is compiled or amended, a document known as a Schedule is signed by an official and issued on behalf of the Secretary of State. The amendment and schedule is evidence that an amendment to the list has been made under the 1990 Act. If a case results in a decision not to add a building to the statutory list then no amendment or schedule is drawn up.

The Department does hold the particular documents you have requested, but under section 21 of the Act, we do not have to provide information which is already reasonably accessible to you. The information you requested, in each case, is available from the relevant Local Planning Authority.

If you need any help or advice or have any questions about this letter, please contact Sharon Lewry (Public Engagement and Recognition Unit) on 020 7211 6307 or sharon.lewry@culture.gsi.gov.uk. Alternatively, please write to her at the above address. Please quote the above reference number in any communications.

Yours sincerely,

Public Engagement and Recognition Unit
Fol Central Team