

Memorials Working Party Update

Overview & Scrutiny Panel 20 April 2021

Report Author Committee Service Manager

Status For Decision

Classification: Unrestricted

Key Decision No

Ward: Thanet Wide

Executive Summary:

This is an update report on the ongoing work of the Memorials Working Party. The Panel is being asked to reconsider this work stream in view of other related policy developments taking place at the national level.

Recommendation(s):

With reference to options highlighted in section 3.0 of the report, Members' guidance is sought on the way forward.

Corporate Implications

Financial and Value for Money

Currently, there were no financial implications arising directly from this report. If there were to be any further scrutiny review activities that required resourcing, then at that point may be the need to assess if there were financial implications associated with this work.

Legal

Currently there were no legal implications arising from this report. However the final decision regarding this might have legal implications from the council and it was imperative to check that the final policy decision was in compliance to the new legislation on protecting the national heritage, as highlighted elsewhere in this report.

Corporate

This is an update report, but the final work of the Memorials Working Working Party would be to come up with recommendations to the Overview & Scrutiny Panel for onward submission to Cabinet, before Cabinet makes a decision on the proposed policy on monuments and memorial plaques in the district.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -
(Delete as appropriate)

- *To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.*
- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *To foster good relations between people who share a protected characteristic and people who do not share it.*

The work of the Memorials Working party is for the council to ensure that its decisions comply with its statutory duty as set out in the Equality Act 2010 & Public Sector Equality Duty.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The Memorials Working Party was set up on 21 July 2020 by the Overview and Scrutiny Panel in order to enable the Panel to review the schedules of memorial statues and plaques to gain an understanding of the type and style of public memorials in Thanet. This review includes street and building names and other monuments in the district.
- 1.2 In conducting its work, the working party was asked to consider whether it needed advice, guidance or information from witnesses or consider best practice from other public bodies to assist its deliberations. That included:
 - Identifying existing ways of assessing memorials (e.g. the Public Sector Equality Duty);
 - Identifying other criteria;
 - Identifying and seeking views of external experts or interested parties.
- 1.3 Thereafter the working party was asked to recommend to the Overview and Scrutiny Panel for onward submission to the Executive a draft system, process or criteria for

reviewing memorials (e.g. statues, plaques, road-names and similar matters), to help to determine whether (if requested) a decision should be taken to either remove them or carry out some other act

2.0 New legal protection for England's heritage

- 2.1 On 17 January 2021, the Communities Secretary announced new laws to protect England's cultural and historic heritage. The main highlights of the new measures are as detailed below:
- a. New legal safeguards introduced for historic monuments at risk of removal;
 - b. All historic statues, plaques and other monuments will now require full planning permission to remove, ensuring due process and local consultation in every case;
 - c. The law will make clear that historic monuments should be retained and explained;
 - d. The Secretary of State able to "call in" any application and ensure the law is followed;
 - e. The most significant new protection for England's heritage since the 1967 Civic Amenities Act established Conservation Areas;
 - f. Measures build on proposals that embed beauty, design and quality in England's planning system for the first time.
- 2.2 New laws to protect England's cultural and historic heritage have been announced by Communities Secretary Robert Jenrick. The new legal protections mean that historic statues should be 'retained and explained' for future generations. Individuals who want to remove any historic statue, whether listed or not, will now require listed building consent or planning permission.
- 2.3 Under the new regulations, if the council intends to grant permission for removal of a particular statue and Historic England objects, the Communities Secretary will be notified so he can make the final decision about the application in question.
- 2.4 Historic England and the Secretary of State will apply the new policy of "retain and explain", meaning historic statues will only be removed in the most exceptional circumstances. Many unlisted heritage assets are of interest, significance and pride to the local communities in which they are erected and it is right that protections are put in place for them.
- 2.5 These new laws will protect 20,000 statues and monuments throughout England for future generations. These landmark legal changes come in the tradition of previous landmark heritage protection laws such as the Civic Amenities Act 1967 and the Town & Country Planning Act 1947.
- 2.6 Communities Secretary Rt Hon Robert Jenrick MP said:

"For hundreds of years, public statues and monuments have been erected across the country to celebrate individuals and great moments in British history.

They reflected the people's preferences at the time, not a single, official narrative or doctrine. They are hugely varied, some loved, some reviled, but all part of the weft and weave of our uniquely rich history and built environment.

We cannot – and should not – now try to edit or censor our past. That's why I am changing the law to protect historic monuments and ensure we don't repeat the errors of previous generations, losing our inheritance of the past without proper care. What has stood for generations should be considered thoughtfully, not removed on a whim, any removal should require planning permission and local people should have the chance to be properly consulted. Our policy in law will be clear, that we believe in explaining and retaining heritage, not tearing it down."

- 2.7 Culture Secretary Rt Hon Oliver Dowden MP further added:

"I strongly believe that we should learn from our past – in order to retain and explain our rich history. The decisions we make now will shape the environment inherited by our children and grandchildren.

It is our duty to preserve our culture and heritage for future generations and these new laws will help to do so. The new rules will also apply to unlisted historic plaques, memorials or monuments which will also require planning permission and Historic England to be informed."

- 2.8 More details of the new legislation are in the link below:

<https://www.gov.uk/government/news/new-legal-protection-for-england-s-heritage>

- 2.9 Due to this ongoing work at the national level, it makes sense for the Panel to pause on its activities until there is enough steer on the subject before making any recommendations to Cabinet.

3.0 Options

- 3.1 As the council awaits the finalisation of the legislation on the protection of the national heritage, it would only be appropriate to take pause on the work of the Memorials Working Party until such time as the new legislation and government guidance were in place.
- 3.2 Members could opt to continue with the work hoping that before the review work is concluded new national guidance would have been produced by the government.

4.0 Next Steps

- 4.1 If the Panel agrees to keep this work in abeyance until such time as the new legislation is in place, this work would then be added to the watching section of the work programme and picked up later when the timing is right.

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Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Finance

Legal: Estelle Culligan, Director of Law and Democracy