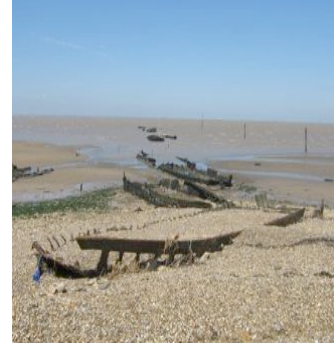

Alliance to Reduce Crime against Heritage

ARCH

11th February 2011



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Heritage Crime Initiative

Introduction

Heritage assets and their protection

There has been legal protection for buildings and sites of historical interest in the UK since 1882. Initially only the most important ancient sites were protected, such as Stonehenge and the great castles. Over the years, as change in our environment has become more rapid, and particularly after WWII when major rebuilding was necessary, parliament has added to the protection system.

The schedule of monuments started in 1882 was initially just on one piece of paper. There are now approximately 20,000 such sites that are given the highest levels of legal protection.

Buildings started to be listed after WWII by a Government keen to protect those historic buildings that survived at a time when there was widespread demolition and rebuilding within the UK. There are now some 500,000 listed buildings across England that are offered high levels of protection, with grade I and II* recognised as being the most important and of equal status to scheduled monuments.

Conservation areas were first protected in the 1970s. These area designations for rural or urban environments seek to protect their character and appearance that is of historic interest. There are now some 9,000 conservation areas with an estimated 1.5 million buildings in them protected from demolition.

Since then added to the list of historic environment designations are the Register of Battlefields of which there are currently 43, the Register of Parks and Gardens of which there are some 1,600, protection for 46 Marine Wrecks and 17 World Heritage Sites. Protection has also been given to sites containing military remain.

The number of designations is not static, as there will be growth in some categories and sometimes the de-listing or de-scheduling of some assets.

It is also acknowledged that non-designated heritage assets are an important part of the historic environment where they have significance locally for example identified by local authorities as being important to their area through local listing. Non-designated heritage assets can sometimes also be acknowledged to have national importance.

An explanation for this increasing protection is the greater threat that is posed by ever-increasing rates of change and consumption, combined with an increasing recognition of our responsibilities to each other and future generations.

Acknowledging the threat and the aspiration to hand over our historic sites to the next generation in as-good or better condition (the definition of sustainability) Parliament has provided specific offences in law to protect them against damage and unlicensed alteration. Further, many mainstream crimes also offer protection to heritage assets including criminal damage, theft, etc.

The need to recognise the impact of crime on heritage assets

England's historic environment holds a unique place in England's cultural heritage and the multiple ways it supports and contributes to the economy, society and daily life. It is also a non-renewable resource of a fragile and finite nature. Once lost it is lost forever. It is of the utmost importance that we protect and conserve those significant elements of it for now and future generations.

England has a wealth of heritage assets both designated and non-designated which are subject to crime across the country and the true impact of harm caused to these assets by crime should be understood by those responsible for the prevention, investigation and enforcement of heritage crime, which is often of a irreversible nature.

Crime affecting heritage assets can be specific heritage crime offences that apply to designated and non-designated assets, and also mainstream crime such as theft, criminal damage and anti-social behaviour offences.

What is heritage crime?

Heritage crime is defined as '*any offence which harms the value of England's heritage assets and their settings to this and future generations.*'

England's heritage assets include:

- World Heritage Sites;
- Scheduled monuments;
- Listed Buildings;
- Protected marine wreck sites;
- Conservation Areas
- Registered Parks and Gardens;
- Registered Battlefields;
- Protected military remains of aircraft and vessels of historic interest;
and
- Undesignated but acknowledged heritage buildings and sites.

There is a consent regime and specific offences in law to protect certain designated heritage assets against damage and unlicensed alteration.

There are some designated heritage assets that have no separate consent regime and no specific regulatory offences which apply to them, these assets include Registered Parks and Gardens, Registered Battlefields and World Heritage Sites (although the latter will contain many designations which are regulated e.g. listed buildings, scheduled monuments, conservation areas). This is equally true of the many heritage assets which although not designated are still of acknowledged historic interest.

Crime such as theft, removal of objects of historic interest, criminal damage, arson and offences of anti-social behaviour to name but a few can lead to harm to both designated and non-designated heritage assets.

Finally there is some specific heritage crime offences not related to any particular designation.

The 2009 English Heritage study of the problem of illegal metal detecting and the National Strategic Assessment completed in November 2010 by English Heritage indicates that the problem is growing and reported cases are only the tip of the iceberg identifying a clear need to develop a strategic partnership model to tackle heritage crime.

The need for a strategic partnership model to tackle heritage crime

The task given to authorities by Parliament is clear. But in reality the split of responsibility between local authorities, the police and English Heritage and the lack of expertise and understanding of the nature of the harm has meant that the task has not been fulfilled as well as it might have been.

In response to the perceived need for a more coordinated approach, English Heritage and the Association of Chief Police Officers have set up the secondment of Chief Inspector Mark Harrison to English Heritage.

The overarching objective is to reduce the rate of loss of our historic sites and buildings through crime by establishing, for England, a sustainable working relationship between the police, the Crown Prosecution Service, local authorities and stakeholders, whilst recognising the limited and shrinking resources available but also the great enthusiasm and mass appeal of our historic environment. There are 450,000 volunteers in the sector; 4.5 million members of English Heritage and the National Trust; and 70% of the population have visited at least one historic site in the last year.

The agreed model

The Heritage Crime Strategic Tasking and Coordination Group met for the first time in November 2010 to consider the results of the National Strategic Assessment and to agree a strategic model for the enforcement of Heritage Crime.

The agreed model has been arrived at after months of discussions with the Police and other organisations in several authorities, particularly those involved in wildlife crime prevention, local authorities, professional groups responsible for regulation of historic buildings and sites and community groups with an interest in the area. The aim was to set a model for future prevention and enforcement that is realistic, efficient, within existing and anticipated resources, sustainable and with capacity to grow its coverage and effectiveness over time.

It was agreed to develop coordinated working between the enforcement agencies including the Police, Crown Prosecution Service, local authorities and English Heritage, Non-Governmental organisations and local community groups that seeks to:

- (a) raise awareness of the existence and significance of heritage assets at a national, regional and local level;
- (b) provide agencies, stakeholders and local communities with the knowledge and understanding of:
 - heritage assets and the potential threats posed to them;
 - preventative measures;
 - investigation techniques, evidence gathering and forensic analysis;
 - interventions, including prosecution, alternative means of disposal and the development of impact statements.
- (c) develop a centralised data recording system that supports the accurate and consistent recording of incidents, crimes and successful interventions, including prosecutions.
- (d) develop and agree an Information Exchange Protocol
- (e) develop and deliver standardised and technical training and awareness programmes for practitioners and stakeholders engaged in the prevention, investigation and enforcement of heritage crime that provide a focus on: the nature of 'the loss'; investigation techniques; heritage-specific legislation; the nature of likely offenders; interventions; and sentencing guidance.
- (f) provide a toolkit of guidance and documentary assistance, such as standard impact statements and guidance for sentencing.
- (g) direct enforcement resources across the agencies (including local authorities) to the delivery of priorities identified within the strategic intelligence assessment as endorsed by the strategic tasking group.
- (h) achieve a coordinated response to threats that extend beyond local boundaries.

- (i) bring enforcement activity to public attention as an indirect means of prevention and improving confidence in police and partnership activity.
- (j) develop a network of contacts within identified stakeholder agencies and commercial and third sector organisations.
- (k) Develop and agree a formal memorandum of understanding signed by primary stakeholders, including participating local authorities that will ensure the sustained prevention and investigation of heritage crime and anti-social behaviour.

The national agencies have a responsibility to set the model and encourage its use and development at a local level. Given the resource constraints on English Heritage and others it was agreed that efforts to explain and encourage the use of and benefits of the model should be focused within the following geographical areas for the first 12 months:

East Region – all counties

South East Region – Kent, East Sussex, West Sussex and Hampshire

South West Region – Gloucestershire, Wiltshire and Somerset

National Parks – Exmoor, New Forest, Northumberland, Peak District and South Downs.

This selection was made based on the grounds that these locations hold higher than average densities of heritage assets and that local stakeholders have indicated a willingness to engage in the delivery of the model.

Further, following the Strategic Assessment it has been agreed that priority be given to the following threats:

- Preventing and detecting criminal damage caused to the historic environment.
- Prevention and detection of unlawful excavation and removal of articles from the historic environment.
- Prevention and detection of architectural theft from the historic environment.
- Prevention and enforcement of unauthorised works to listed buildings.

These categories are deliberately broad to allow flexibility in local delivery.

It was also agreed that the activities identified to tackle heritage crime are managed and coordinated utilising a similar structure as that established by those working to tackle wildlife crime:

- Strategic Tasking Group
- Tactical Groups; and
- A wider stakeholder group ARCH (Alliance to Reduce Crime against Heritage).

Progress with the model

A number of components of the model are now well advanced including:

- MoU – this has now been agreed by the primary signatories, the Association of Chief Police Officers, the Crown Prosecution Service and English Heritage. In addition Canterbury City Council has also agreed to become the first local authority signatory to the MoU (see appendix 2).
- Heritage Crime Standard Impact Statements - assessing the seriousness of heritage crime offences requires a detailed analysis of the direct and immediate harm as well as the wider consequences for the historic environment. This information should be provided to the court in an impact statement from an expert, setting out the harm as a consequence of the crime committed. Heritage crime standard impact statements have now been created for a number of actual cases and these can be found at appendix 3. This will develop further with the guidance for sentencers.
- Guidance for sentencers – this guide is currently being created by English Heritage with the assistance of the Magistrates' Association, the Crown Prosecution Service and the University of Sheffield (see appendix 4 for further information).
- Information Exchange Protocol – this is in the process of being drafted by English Heritage (see appendix 5 for further information).
- Key Individual Networks (KINs) – A guide to KINs can be found at appendix 6.
- Heritage assets and potential threats (Risk Assessment Process) – an explanation of the risk assessment process for heritage assets can be found at appendix 7. Further guidance will be forthcoming.
- Prevention Measures - an explanation of heritage crime prevention measures can be found at appendix 8. Further guidance will be forthcoming.
- Interventions and Out of Court Disposals – this guide is currently being created by English Heritage and an explanation of that work can be found at appendix 9.

- Investigation techniques, evidence gathering and forensic analysis – English Heritage will work closely in the future with colleagues to develop a range of investigative and forensic techniques to maximise the opportunity for apprehending offenders where crimes have been committed.

Some excellent partnerships are already developing across the country to tackle heritage crime and we hope that this will continue with your support in the future.

**The Heritage Crime Strategic
Tasking and Coordination Group
(STCG)**

and

**Alliance to Reduce Crime against
Heritage (ARCH)**

The Heritage Crime Strategic Tasking and Coordination Group (STCG)

The overriding objective of the Group is to reduce the amount of crime that causes damage to or interferes with the enjoyment of heritage assets in England (“heritage crime”). This will be achieved by closer cooperation between the national agencies and local authorities responsible for the prevention, detection, and prosecution of heritage crime and by influencing and training others, particularly at a local level, so that they may understand the importance of heritage crime and may adopt more effective means of prevention and enforcement.

The Group will receive intelligence analysis, set national priorities for prevention and enforcement and will oversee the running of stakeholder group, known as ARCH (Alliance to Reduce Crime against Heritage).

The Group is chaired by Richard Crompton Chief Constable of Lincolnshire Police and lead for the Association of Chief Police Officers (ACPO) on matters relating to Rural Issues and Wildlife and Heritage Crime. It is attended by representatives from English Heritage(EH), the Crown Prosecution Service (CPS), Department of Culture Media and Sport (DCMS) and local authorities.

The Group will meet on a 6 monthly basis to review and set national priorities for the need for intelligence and the prevention and enforcement of heritage crime.

Alliance to Reduce Crime against Heritage (ARCH)

The overriding objective of the Group is to reduce the amount of crime that causes damage to or interferes with the enjoyment of heritage assets in England (“heritage crime”). This will be achieved by each member of the group contributing what it can to the strategic and tactical plans set out by the Strategic Tasking and Coordination Group.

ARCH is a group of stakeholders that have a shared interest in preventing and seeing effective enforcement of heritage crime. Through conferences and training events, it will be a means of discussing priorities, sharing intelligence carrying out training, highlighting best practice and making local contacts.

Membership of the Group is free and open to all organisations and groups that have an interest in the prevention and enforcement of Heritage Crime.

A Memorandum of Understanding on the Prevention, Investigation
Enforcement, and Prosecution of Heritage Crime between

English Heritage

Crown Prosecution Service

The Association of Chief Police Officers of England, Wales and Northern
Ireland and

Participating local authorities



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1. Purpose

This Memorandum of Understanding (MoU) is intended to serve as a general guide to fostering co-operation between the respective parties and to allow the necessary flexibility in activities that are undertaken between them in relation to heritage crime. It defines the roles and responsibilities of the parties in the prevention, investigation, enforcement and prosecution of heritage crime, in keeping with their respective aims. There will be an annual strategic assessment for heritage crime which will inform an action plan for the parties to this MoU to follow.

It should be used as a basis for high level strategic engagement and regional protocols between English Heritage, participating local authorities, Police forces and the Crown Prosecution Service.

Such protocols will form the basis of working arrangements with those involved at regional and force level.

Heritage crime is defined for the purposes of this MoU as *'any offence which harms the value of England's heritage assets and their settings to this and future generations'*

England's heritage assets include:

- Listed buildings;
- Conservation areas;
- Scheduled monuments;
- Protected marine wreck sites;
- World Heritage Sites;
- Registered Parks and Gardens;
- Battlefields;
- Protected military remains of aircraft and vessels of historic interest; and
- Undesignated but acknowledged heritage buildings and sites.

2. Parties to the agreement

English Heritage (EH)

Association of Chief Police Officers of England Wales and Northern Ireland (ACPO)

Crown Prosecution Service (CPS); and

Participating local authorities (LAs) - see *Appendix 1*.

3. Statutory roles and responsibilities of parties

English Heritage

English Heritage is a non-departmental public body with responsibility for all aspects of protecting and promoting the historic environment in England.

English Heritage is the Government's statutory adviser on the historic environment.

Association of Chief Police Officers of England, Wales and Northern Ireland

The Association of Chief Police Officers (ACPO) is an independent, professionally led strategic body. In the public interest and, in equal and active partnership with Government and the Association of Police Authorities, ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. In times of national need ACPO - on behalf of all chief officers - coordinates the strategic policing response.

Chief Officers of all police forces strive to deliver effective policing at local, regional and national levels. ACPO is a voluntary association of chief officers bringing together their experience and expertise to help achieve those aims on behalf of the public. ACPO is wholly accountable to chief officers who in turn, are each accountable to the people they serve and to police authorities at a force level.

The Police have a duty to preserve life, protect property and to prevent and detect crime.

They have a role in preventing and investigating criminal offences involving heritage and the historic environment and are the lead agency for the investigation of those criminal offences identified in section 6 below.

Crown Prosecution Service

The Crown Prosecution Services (CPS) is the principal public prosecuting authority for England and Wales. Although the CPS works closely with the police, it is independent of them. The independence of prosecutors is of fundamental constitutional importance. Casework decisions are taken with fairness, impartiality and integrity, delivering justice for victims, witnesses, defendants and the public.

It is the duty of prosecutors to review, advise on and to prosecute cases, or to offer an appropriate out-of-court-disposal to the offender. Prosecutors must ensure that the law is properly applied; and all relevant evidence is put before the court; and that obligations of disclosure are complied with, in accordance with the Code for Crown Prosecutors. The role of the CPS is to prosecute cases firmly, fairly and effectively when there is sufficient evidence to provide a realistic prospect of conviction and when it is in the public interest to do so.

Participating Local Authorities

Participating Local Authorities (LAs) are those authorities who have agreed to be a party to this MoU and are named in *Appendix 1*.

Local authorities are independently elected and autonomous bodies. They are largely independent of central government and are directly accountable to their electorates. Their powers are conferred on them by Acts of Parliament. Some powers are given to all local authorities and some only to specific types. Local authorities play a vital role in representing the interests of their citizens and commissioning local services.

Their responsibilities vary depending on the type of authority but includes for example planning, education, waste management, housing, community safety and crime reduction etc.

Under the Town and Country Planning Act 1990 and the Planning and Compensation Act 1991 District Councils, County Councils, Unitary Councils, Metropolitan District Councils and London Borough Councils and in National Parks the National Park authority, are designated as local planning authorities.

Local planning authorities have a duty to prepare development plans for their area, such plans should take account of the historic environment. They control development through the granting and refusal of planning applications and are also responsible for determining applications for listed building consent and conservation area consent in their area. They have the power to enforce against unauthorised development (breaches of planning control), the unauthorised demolition or alteration of listed buildings and the unauthorised demolition of unlisted buildings in conservation areas. They also have the power to enforce conditions attached to planning permissions, listed building and conservation area consents.

Under the Crime and Disorder Act 1998 responsible authorities have a statutory duty to work with other local agencies and organisations to develop and implement strategies to tackle crime and disorder including anti social behaviour that adversely affects the local environment within their local government area. Such a strategy should include the historic environment and associated heritage assets within that defined area.

A local government area in England for this purpose is a district or London Borough (this includes a unitary authority), the City of London, the Isle of Wight and the Isles of Scilly. The responsible authority is the Council for that area and, where it is a district (and not a unitary authority), the Council for the County that includes the district.

4. Investigations

The investigatory parties to this MoU are committed to ensuring that any investigation into heritage crime is proportionate but effective, and the parties agree to work closely together in order to achieve this.

Decisions as to who will lead the investigation, and the direction it will take, should be timely, informed by the best available evidence and technical expertise, and should take account of this MoU and the wider public interest. Should there be any issue as to who is to be involved in investigating heritage crime then the parties will work together to reach a conclusion.

The investigatory parties to this MoU will assist each other, where practicable and wherever resources and powers allow, in the prevention, investigation, enforcement and prosecution of heritage crime.

5. Legal action

The decision whether to commence criminal proceedings (or where charges have been brought by the police to continue those proceedings) rests with the appropriate prosecuting body which will depend upon the heritage asset type and the offences involved in any given case.

Nonetheless, enforcement action taken by one organisation does not preclude another taking action if considered appropriate. All parties to this MOU who contribute to or have a legitimate interest in an investigation will be consulted on the handling and disposal.

The respective roles and responsibilities of the parties to this MoU to prevent, investigate, prosecute, assist or advise in respect of crimes involving heritage assets are set out below in paragraph 6.

It is agreed by the parties to this MoU that LAs should have the duties and responsibilities set out below in respect of the prevention, investigation and enforcement of heritage crimes. It is, however, only those participating LAs who are signatories to this MoU (see *Appendix 1*) that have agreed to its terms.

6. Roles and responsibilities to prevent, investigate, prosecute, assist and advise on heritage crime

Listed Buildings

Participating LAs as part of their function as local planning authority have a duty to prevent, investigate and where appropriate prosecute unauthorised works or deliberate damage (where this is caused by the owner or occupier) to listed buildings, breaches of conditions attached to listed building consent and breaches of listed building enforcement notices. These specific regulatory crimes are set out in summary in *Appendix 2*.

The police and EH will provide assistance and advice in campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any such crimes.

The police are responsible for prevention and investigation of crimes involving harm to listed buildings, such as theft and criminal damage. The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area and EH have a duty to assist and advise in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

Conservation Areas

Participating LAs as part of their function as local planning authority have a duty to prevent, investigate and prosecute unauthorised demolitions within conservation areas, any breaches of conditions of conservation area consent and conservation area enforcement notices. These specific regulatory crimes are set out in summary in *Appendix 2*.

The Police and EH will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any such crimes.

The police are responsible for prevention and investigation of crimes involving harm to conservation areas, such as theft, criminal damage and offences involving anti-social behaviour. The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area and EH have a duty to assist and advise in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

Scheduled Monuments

EH has a duty to prevent, investigate and prosecute unauthorised works to scheduled monuments (works without scheduled monument consent).

The police and participating LAs will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

The police are responsible for the prevention and investigation of crimes leading to harm to scheduled monuments including deliberate damage to scheduled monuments, illegal metal-detecting on them including theft or removal of associated objects or artefacts. The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area and EH have a duty to assist and advise in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

The specific regulatory crimes for this heritage asset are set out in summary in *Appendix 2*.

Protected marine wrecks sites

The police in partnership with EH are responsible for the prevention and investigation of unauthorised activities in respect of wreck sites designated as 'restricted areas' as defined by the Protection of Wrecks Act 1973. The Receiver of Wreck will work in partnership with the police and EH where there has been a failure to report the finding of wreck under the Merchant Shipping Act 1995. Again the specific regulatory crimes for this heritage asset are set out in summary in *Appendix 2*.

The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of such crimes.

Protected military remains of aircraft and vessel of historic interest

The police will in partnership with the MOD take responsibility for the prevention and investigation of unauthorised activities in respect of crashed military aircraft and sunk or stranded military vessels which are within a protected place or controlled site. This MoU is concerned with those aircraft and military vessels which are of historic interest. Again the specific regulatory crimes for this heritage asset are set out in summary in *Appendix 2*.

The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local

government area and EH will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of such crimes.

Other sites of historic significance

There are designated sites that have no separate consent regime and no specific regulatory offences which relate to them, these sites include Registered Parks and Gardens, Battlefields and World Heritage Sites. However, crime such as theft, criminal damage and offences of anti-social behaviour can lead to harm to these heritage assets. This also applies to un-designated sites of historic importance such as archaeological sites of national importance (which have not been scheduled as monuments) and buildings of local importance.

The police are responsible for prevention and investigation of crimes leading to harm to these sites, such as theft, criminal damage and offences of anti-social behaviour. The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area and EH will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

Items illegally removed from heritage assets

Where items that are suspected of having been removed from a heritage asset come to the attention of any of the parties to this MoU each has a responsibility to notify the police who are responsible for investigation of possible related crimes such as theft and handling stolen goods. The CPS is responsible for prosecution of such crimes where there is sufficient evidence and it is in the public interest to do so. Participating LAs where this affects their local government area and EH will provide assistance and advice in any campaigns of prevention and, where their expertise is needed and resources allow, in the investigation and prosecution of any crimes.

If the finder of an object believes it to be 'treasure' within the meaning given in the Treasure Act 1996 then he/she must report that find to the coroner for the district, as failure to do so is a criminal offence (see *Appendix 2*). The reporting of treasure is dealt with through the Portable Antiquities Scheme, who also record for the public benefit all non-treasure archaeological objects found and reported voluntarily by members of the public.

7. Partnership working

Partnership working plays a fundamental role in tackling heritage crime both at a local operational level and nationally at a strategic level.

Partnership working will enable all parties to focus resources and efforts towards the heritage crime priorities when identified.

Regional partnerships will be a means to achieving a more formal strategic approach to enable LAs, the Police and EH to tackle heritage crime more effectively and expediently.

Regional partnerships will identify operational roles and responsibilities and set out effective working arrangements between the parties. This will ensure, amongst other things, that the party with the most appropriate enforcement powers can take the primary enforcement action on individual cases.

All parties within this MoU will work closely with the stakeholder group, the Alliance for the Reduction of Crime against Heritage (or ARCH). The aim of ARCH will be to contribute its understanding of the nature of heritage crime from time to time to inform strategic assessment and to assist in the effective implementation of that tactical plan arising from that strategic assessment at a regional and local level.

8. Data exchange and disclosure

Data exchange between the parties is encouraged but will only take place in appropriate circumstances and in compliance with data protection and other relevant legislation.

The signatories will work closely to develop and adopt good practice in the sharing of personal and non-personal information.

9. Guidance and training

In the spirit of partnership working all parties recognise that the sharing of knowledge and working practices is beneficial in tackling heritage crime.

All parties will provide necessary information and guidance and training as their resources allow. This will be made available to each of the parties to this MoU.

English Heritage will provide information, guidance and training on heritage assets including:

- Listed buildings;
- Scheduled monuments;
- Registered parks, gardens and battlefields;
- Protected marine wrecks;
- World Heritage Sites; and
- Conservation areas.

The Police will provide information, guidance and training including:

- Conducting investigations;
- Collecting and preparing evidence; and
- An awareness of the Police and Criminal Evidence Act 1984.

The CPS will share their information and guidance on:

- The evidential and public interest stages of the Full Code Test as set out in the Code for Crown Prosecutors;
- Case building; and
- Assisting witnesses in court, in particular expert witnesses.

10. Costs and charging

Each body will be responsible for recovering their own costs in relation to investigations and prosecutions.

Each will endeavour to obtain costs incurred by witnesses by inviting courts to impose those costs, and any other costs, on defendants.

It is anticipated that services provided by all parties to each other will be without charge.

No charges will be levied without prior agreement.

11. Lead contact points

For the purposes of this MoU the following are lead contact points:

English Heritage

Mike Harlow, Legal Director

Chief Inspector Mark Harrison, Policing Adviser – Heritage Crime Initiative

Joanne Fisher, Legal Adviser

Association of Chief Police Officers

Pete Charleston, Staff Officer to Chief Constable Richard Crompton.

Crown Prosecution Service

Arsha Gosine, Policy Adviser for Heritage Crime.

The contact for each participating LA is set out against its name in *Appendix 1*

Each police force will nominate a strategic point of contact for issues relating to heritage assets and the historic environment.

12. Publicity

All parties will endeavour to raise awareness of heritage crime through highlighting key issues and prosecution cases.

13. Review

This MoU and its implementation will be reviewed by all parties after 3 years.

If forthcoming legislation requires the document to be reviewed earlier all parties will commit to doing so at the earliest opportunity.

14. Signatories

English Heritage

.....
Baroness Andrews OBE, Chair of English Heritage

Association of Chief Police Officers

.....
Richard Crompton, Chief Constable, Lincolnshire Police & ACPO Rural Issues Portfolio

Crown Prosecution Service

.....
Nick Hunt, Director of Strategy and Policy Directorate, CPS

Participating Local Authorities

Appendix 1

Appendix 1

Participating local authorities

Local authority signatories to this MoU:

1. Canterbury City Council

.....
Ian Brown, Head of Regeneration and Economic Development

Main office:
Military Road,
Canterbury
CT1 1YW

Appendix 2

Summary of Specific Heritage Crime Offences for Designated Heritage Assets

Listed Buildings

Planning (Listed Buildings and Conservation Areas) Act 1990-

Listed Buildings are buildings of special architectural or historic interest which appear on lists compiled or approved by the Secretary of State. A listed building includes the building which appears in the list and any object or structure fixed to the building, and any object or structure within the curtilage of the building that although not fixed to the building has formed part of the land since before 1st July 1948 (see section 1).

Listed buildings are graded to reflect their relative architectural and historic importance as follows: Grade I (exceptional quality), Grade II* (particularly important buildings of more than special interest and Grade II (buildings of special interest warranting every effort to preserve them).

Control of works affecting listed buildings:

Section 9(1) execute or cause to be executed the demolition of a listed building or works to alter or extend a listed building which affect its special interest, without listed building consent.

Section 9(2) failure to comply with a condition attached to a listed building consent.

The above offences also apply to a building which is the subject of a building preservation notice issued under section 3 of the 1990 Act.

The offences under section 9 are triable eitherway. A person convicted of an offence under section 9 is liable:

- (a) on summary conviction to a fine not exceeding £20,000 or a maximum of 6 months imprisonment or both; or
- (b) on indictment to a fine or a maximum of 2 years imprisonment or both.

(see section 9(4))

Both notifiable offences - Home Office Code 94 Planning Laws.

Failure to comply with a listed building enforcement notice:

Section 43(2) failure to comply with the steps required by a listed building enforcement notice following expiration of the compliance period, the current owner of the land in question is liable. The owner may be convicted of second and subsequent offences if there is continued failure to comply.

The offence under section 43(2) is triable eitherway. A person convicted of an offence under this section is liable:

- (a) on summary conviction to a fine not exceeding £20,000; or
- (b) on indictment to a fine.

(see section 43(5)).

Notifiable offence – Home Office Code 94 Planning Laws.

Damage to a listed building:

Section 59(1) with the intention of causing damage to a listed building, a relevant person does or permits the doing of any act which causes or is likely to result in damage to the building.

'Relevant person' is someone who but for the provision would be permitted to do or permit the act in question i.e. an owner or occupier of the listed building.

The offence under section 59(1) is summary only. On conviction a person is liable to a fine not exceeding level 3.

Section 59(4) if having been convicted under section 59(1) a person fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence he shall be guilty of a further offence under this subsection.

The offence under section 59(4) is again summary only. On conviction a person is liable to a fine not exceeding one tenth of level 3 for each day on which the failure continues.

Not notifiable. Record as an incident.

Conservation Areas

Planning (Listed Buildings and Conservation Areas) Act 1990 -

Conservation areas are designated usually by the local planning authority as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance (see section 69).

Control of Works affecting unlisted buildings in Conservation Areas:

Section 9(1) and (2) offences are applied to conservation areas by section 74(3)

Section 9(1) – executing or causing to be executed the demolition of an unlisted building in a conservation area without conservation area consent except where consent is not required.

Section 9(2) – failure to comply with a condition attached to a conservation area consent.

Both notifiable offences – Home Office Code 94 Planning Laws.

Failure to comply with a conservation area enforcement notice:

Section 43 is applied to conservation area enforcement notices by section 74(3).

Notifiable Offence – 94 Planning Laws.

Scheduled Monuments

Ancient Monuments and Archaeological Areas Act 1979 –

Scheduled monuments are sites designated by the Secretary of State as archaeological sites of national importance. The Secretary of State is responsible for compiling and maintaining the schedule of monuments (see section 1).

Control of works affecting scheduled monuments:

Section 2(1) – to execute, cause or permit to be executed works to a scheduled monument without scheduled monument consent (granted by the Secretary of State)

Section 2(6) – failure to comply with a condition attached to scheduled monument consent

An offence under section 2 is triable eitherway. A person convicted of an offence under this section is liable on:

- (a) summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine.

(see section 2(10))

Both offences are notifiable – Home Office Code 98/99 other notifiable applies to an offence under section 2(1) and 98/65 other notifiable for an offence under section 2(6).

Offence of damaging certain ancient monuments:

Section 28(1) intentionally or recklessly destroying or damaging a ‘protected monument’ without lawful excuse

‘Protected monument’ is defined as a scheduled monument and any monument under the ownership or guardianship of the Secretary of State, English Heritage or a local authority by virtue of the 1979 Act.

An offence under section 28(1) is triable eitherway. A person convicted of an offence under this section is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum or to a maximum of 6 months imprisonment or both; or
- (b) on indictment to a fine or a maximum of 2 years imprisonment.

(see section 28(4)).

Notifiable offence – Home Office Code 149/58D other damage.

Restrictions on the use of metal detectors:

Section 42(1) using a metal detector in a 'protected place' without the written consent of English Heritage

An offence under this sub-section is summary only. On conviction a person is liable to fine not exceeding level 3.

Section 42(3) removal of an object of archaeological or historical interest which is discovered by the use of a metal detector in a 'protected place' without the written consent of English Heritage

An offence under this sub-section is triable eitherway. A person convicted of an offence is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine.

Section 42(5) –

- (a) using a metal detector in a 'protected place' in accordance with a consent granted by English Heritage and failing to comply with a condition attached to it;
- (b) removing or otherwise dealing with any object which is discovered by the use of a metal detector in a 'protected place' in accordance with a consent granted by English Heritage and failing to comply with a condition attached to it.

An offence under section 42(5)(a) is summary only. The penalty is the same as for an offence under section 42(1).

An offence under section 42(5)(b) is triable eitherway. The penalty is the same as for an offence under section 42(3).

'Protected place' means a scheduled monument or any monument under the ownership or guardianship of the Secretary of State, English Heritage or a local authority by virtue of the 1979 Act, or situated in an Area of Archaeological Importance (designated under the 1979 Act, Part II).

The offence under section 42(3) is notifiable – Home Office Code 99/99 other notifiable. Other offences under section 42 are not notifiable. Record as an incident.

Protected Marine Wreck Sites

Protection of Wrecks Act 1973-

Restricted areas:

A restricted area is an area in UK waters designated by the Secretary of State around the site of a vessel (or likely to contain a vessel) lying wrecked on or in the sea bed and on account of the historical, archaeological or artistic importance of the vessel or of any objects contained or formerly contained in it the site ought to be protected from unauthorised interference (see section 1(1)).

Section 1(3) the carrying out or causing or permitting others to carry out certain specified activities in a 'restricted area' without a licence granted by the Secretary of State, including tampering, damaging or removing part of a vessel and exploration. Anything done in contravention of a condition or restriction on a licence is treated as a breach of this section.

Section 1(6) obstruct or cause or permit the obstruction of a person doing anything authorised by a licence to carry out diving or salvage operations granted by the Secretary of State.

Offences under section 1 are triable eitherway. A person convicted of an offence under section 1 is liable:

- (a) on summary conviction to a fine of not more than the prescribed sum; or
- (b) on indictment to a fine.

(see section 3(4)).

Both offences are notifiable – Home Office Code 98/65 other notifiable.

Prohibited areas:

A prohibited area is an area designated by the Secretary of State round a vessel lying wrecked in UK waters that because of anything contained in it the vessel is in a condition which makes it a potential danger to life or property and on that account it ought to be protected from unauthorised interference (see section 2(1)).

Section 2(3) Entering a prohibited area whether on the surface or under water without authority in writing from the Secretary of State.

The offence under section 2 is triable eitherway. A person convicted of an offence under this section is liable:

- (c) on summary conviction to a fine of not more than the prescribed sum; or
- (d) on indictment to a fine.

(see section 3(4)).

Notifiable offence – Home Office Code 98/65 other notifiable

Protection of Military Remains

Protection of Military Remains Act 1986-

This act gives protection to the wreckage of crashed military aircraft and designated wreckage of military vessels. There are two types of protection under the act given (a) Protected places (see section 1(6)); and (b) Controlled sites (see section 1).

Protected Places:

Military aircraft (UK or other nations) that crashed in the UK, UK territorial waters or in UK controlled waters are automatically protected under the act. Wreckage of UK military aircraft is also protected under the act if elsewhere in the world.

Shipwrecks (vessels) require specific designation under the act in order to be a protected place. This applies only to vessels that sank after 14th August 1914. These are designated by order of the Secretary of State made by statutory instrument.

Section 2(1)(b) in relation to a protected place, it is an offence for a person to tamper with, damage, move or unearth remains; enter any hatch or other opening in any of the remains which enclose any part of the interior of an aircraft or vessel (or cause or permit another to do so) (see subsection (2)). The person must believe or have reasonable grounds for suspecting that the place comprises the remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service.

Section 2(1)(c) in relation to a protected place, it is an offence to knowingly take part in, or cause or permit another person to take part in, the carrying out of any excavation or diving or salvage operation prohibited by subsection (3)(b) and (c). That is, (b) if it is carried out for the purpose of doing something that constitutes or is likely to involve a contravention of subsection (2) (see above); and (c) in the case of an excavation, if it is carried out for the

purpose of discovering whether any place in the UK or UK waters comprises any remains of an aircraft or vessel which has crashed sunk or been stranded while in military service.

Section 2(1)(d) it is also an offence to knowingly use, or cause or permit others to use any equipment in connection with the carrying out of any such excavation or operation.

The Secretary of State has the power to grant a license permitting these prohibited acts (section 4).

Controlled sites:

Controlled sites require specific designation by the Secretary of State by location. They are sites (within the UK, UK territorial or international waters) which appears to him to contain the remains of any crashed military aircraft or vessel (UK or other) which has sunk or been stranded within the last 200 years. It is only the wreckage of UK military aircraft and vessels that can be designated as a controlled site if in international waters.

Section 2(1)(a) in relation to a controlled site, it is an offence to tamper with, damage, move or unearth remains; enter any hatch or other opening in any of the remains which enclose any part of the interior of an aircraft or vessel (or cause or permit another to do so) (see subsection (2)).

Section 2(1)(c) in relation to a controlled site, it is an offence for a person to knowingly take part in, or cause or permit another to take part in, the carrying out of an excavation or diving or salvage operation which is prohibited by subsection (3)(a) and (c). That is (a) if it is carried out at a controlled site for the purpose of investigating or recording details of any remains of an aircraft or vessel in that place; and (c) in the case of an excavation, if it is carried out for the purpose of discovering whether any place in the UK or UK waters comprises any remains of an aircraft or vessel which has crashed sunk or been stranded while in military service.

Section 2(1)(d) it is also an offence in a controlled site to knowingly use, or cause or permit another to use, any equipment in connection with the carrying out of any such excavation or operation.

The Secretary of State has the power to grant a license permitting these prohibited acts (section 4).

An offence under section 2 is triable eitherway. A person convicted of any offence under section is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on indictment to a fine

(see section 2(7)).

All notifiable offences – Home Office Code 99/99 other notifiable.

Other specific heritage crime offences not related to particular designations

Merchant Shipping Act 1995

The main task of the Receiver of Wreck is to process incoming reports of wreck in the interest of both the salvor and the owner. This involves researching ownership, liaising with the finder and the owner and other interested parties such as archaeologists and museums.

Any wreck material found in UK territorial waters or outside the UK but brought within UK territorial waters must be reported to the Receiver of Wreck under section 236 of the Merchant Shipping Act 1995. All wreck material must be reported however small or seemingly insignificant. The type of material reported can include for example portholes, bells, plates, fixtures and fittings, bundles of wood, hatch covers and archaeological material such as medieval pots, gold coins, cannon etc often recovered from ship wrecks.

Section 236(1) provides that if any person finds or takes possession of any wreck in UK waters or outside UK waters and brings it within those waters he must –

- (a) if he is the owner of it give notice to the receiver stating that he has found or taken possession of it and describing the marks by which it may be recognised;
- (b) if he is not the owner of it, give notice to the receiver that he has found or taken possession of it, and as directed by the receiver, either hold it to the receivers order or deliver it to the receiver.

It is a criminal offence under section 236(2) to fail to comply with this duty to give notice and a person convicted of an offence under this section is liable on summary conviction to fine not exceeding level 4 on the standard scale. Further if he is not the owner of the wreck he must forfeit any claim to it and be liable to pay twice the value of the wreck to the owner, if it is claimed, or to the person entitled to the wreck if unclaimed.

The Merchant Shipping Act 1995 together with the Protection of Wrecks Act 1973 and the Protection of Military Remains Act 1986 are the three main laws which apply to shipwrecks.

Not notifiable. Record as an incident.

Dealing in Cultural Objects (Offences) Act 2003-

The unauthorized removal and trade of objects of historical, architectural or archaeological interest from historic buildings or sites of archaeological interest:

Section 1 dishonestly dealing in a tainted cultural object knowing or believing that the object is tainted.

A 'cultural object' is defined as an object of historical, architectural or archaeological interest.

A cultural object is 'tainted' if a person removes (includes excavation) the object after (30th December 2003) from a building, structure or monument of historical, architectural or archaeological interest in the UK or elsewhere. The removal or excavation must constitute an offence either under UK or foreign law (see section 2).

A person 'deals' if he acquires, disposes of, imports or exports the object or makes arrangements for another to do those acts (see section 3).

An offence under section 1 is triable eitherway. A person convicted of an offence under this section is liable:

- (a) on summary conviction to a fine not exceeding the statutory maximum, or to a maximum of 6 months imprisonment or to both; or
- (b) on indictment to a fine, or to a maximum of 7 years imprisonment or to both.

(see section 1(3)).

Notifiable offence – Home Office Code 98/99 other notifiable.

Treasure Act 1996 –

Section 8(3) the finder of an object which he believes or has reasonable grounds for believing is treasure, fails to notify the coroner for the district within 14 days of the find.

'Treasure' is defined in section 1 of the Act.

An offence under section 8(3) is summary only. A person convicted of an offence under this section is liable to a fine not exceeding level 5 or to a maximum term of imprisonment of 3 months or both.

Not notifiable. Record as an incident.

Town and Country Planning Act 1990 –

Where there has been a breach of planning control (development without planning permission) or contravention of a condition attached to a planning consent, the 1990 Act contains a number of enforcement provisions which are exercisable by the local planning authority to secure compliance.

It is worth noting here that these powers of enforcement might be applicable where a breach of heritage legislation is also a breach of planning control under the 1990 Act.

Heritage Crime Impact Statement

Purpose

A heritage crime impact statement describes the crime and anti-social behaviour affecting a heritage asset and/or the historic environment in an area and allows the enforcement agencies and the courts to understand the harm caused to the asset or area and what it is like to live and work in an area affected by this form of criminal behaviour.

Assessing the seriousness of heritage crime offences requires a detailed analysis of the direct and immediate harm as well as the wider consequences for the historic environment.

Harm caused to a heritage asset from heritage crime will often have both direct and indirect impacts. For example the loss of historic fabric from a listed building through vandalism or theft will not only have a direct impact on the heritage asset itself but may also have an indirect impact including those that may be more readily identified as social or economic impacts eg. decline in a local amenity through vandalism and the loss/partial loss of a heritage asset that is valued locally as well as nationally.

The production of a statement will allow heritage professionals to personalise the crime and express the impact it has had on the heritage asset and the surrounding area.

Who can give a heritage impact statement?

A statement is most likely to be provided by a professional witness such as an archaeologist, buildings expert or other heritage professional and sometimes a police officer trained in heritage crime investigation.

Where an owner, manager or guardian of a heritage asset wishes to make an impact statement they should be encouraged to do so.

It is important that the person making the statement can describe how the offending behaviour has resulted in the:

- Loss of historical, architectural, archaeological or artistic information;
- Damage, including the direct and indirect harm to the heritage asset and/or historic environment as well and the cost of any reparation; and,
- Reduction in visitor numbers to a historic attraction where appropriate.

Uses

There are two different uses of a heritage crime impact statement:

Out of Court disposals

The statement may be used by the relevant decision makers, where required, when considering an out of court disposal rather than prosecution, for example:

- Reprimands and Final Warnings – for young people;
- Conditional Caution; and,
- Adult Caution.
- Penalty notice
- Formal warning

An out of court disposal may include a form of restorative justice for example reparation that is aimed at bringing victims, offenders and communities together. A heritage crime impact statement can be very useful in informing the appropriate restorative justice.

Court use

A heritage impact statement can only be used once a defendant has been found or pleaded guilty. Such a statement is not relevant to the question of guilt.

Once a person has been found guilty, the statement may be considered by the court and may help inform the type and content of sentence.

A heritage crime impact statement provides the court with essential data, which leads to appropriate sentences and suitable restitution.

Information to be included

The following information and evidence should be considered for inclusion within a heritage crime impact statement:

- A description of the heritage asset and/or historic area that is affected by the crime including any designations (national and local designations)
- The significance of the heritage asset or area in both national and local terms where appropriate (whether designated or not).
- If it is a designated heritage asset, an explanation of that designation and what that means.

- Impact of the crime on the heritage asset or historic area both direct and indirect. This should include an assessment of the loss/harm to the asset itself and whether this is reversible or irreversible and also the impact on the wider area.
- The cost of reparation.
- Specific information supplied by the police and other agencies, that indicate the number of times a heritage assets and its associated setting has been subject to crime and anti-social behavior. For example damage by off-road vehicles or illicit metal detecting.
- The number of environmental clean ups required at an historic visitor attraction in order to remove graffiti, drugs litter or fly-tipping.
- The quantity of reports of crime received by the police, local authority, English Heritage etc. relevant to the historic environment. For example: theft of peg tiles or lead from historic or ecclesiastical properties.

Examples

Appendix A – Generic statement describing a site under development.

Appendix B - Archaeologist statement describing damage to a listed building.

Appendix C - Buildings expert describing loss of lead to a listed building.

Appendix D – Statement describing damage and loss to ecclesiastical properties.

Professional impact statement

The purpose of the statement is to ensure that the Court considers the impact that damage to the historic environment or theft of cultural artefacts will have on the local community and the nation as a whole.

Background

The Isle of Thanet is located at the eastern tip of Kent and was once separated from the mainland of Kent by a wide watercourse called the Wantsum Channel. The unique geographical setting of Thanet has contributed to the diversity and richness of the area's archaeology, particularly along the edges of the ancient coastline of the Wantsum.

Archaeological resource

The Isle of Thanet has a unique archaeological resource, which is the product of the meeting of cultures from Britain and the Europe since the end of the last Ice Age.

The proximity of Thanet, and Kent as a whole, to Continental Europe has meant that the archaeological resource in the area is both particularly rich and uniquely diverse. While it is believed that Julius Caesar's expeditions in 55 and 54 BC were directed at Kent, nothing is known of them in detail and therefore Republican Roman finds are potentially of immense importance.

Through-out the Roman Period Richborough, on the opposite side of the Wantsum to Thanet, was a key entry point into the Roman Province and is regarded as one of the most likely sites for the initial landings of the main Roman invasion in AD 43, this and the continuing importance of the region emphasises the importance of Roman finds from Thanet and Eastern Kent.

The Wantsum Channel itself represented both an active seaway and a sheltered anchorage. Richborough, with Reculver located at the northern end of the Wantsum, were key military sites in the later Roman defensive system known as the Saxon Shore. Thanet is the location of at least four known Roman villas and a major Roman road extends towards Thanet from Canterbury suggesting, with the villas, that Thanet itself was important in the Roman period and not just the major sites on the Wantsum. However, that importance is far from well-understood and the loss of archaeological material that may help with that understanding of the Roman-period history of Thanet is a serious issue.

Thanet's archaeology has been examined, excavated and recorded by antiquarians and archaeologists over the past two hundred years.

Impact

The discovery and interpretation of archaeological features and artefacts provide the key in telling the story of the Isle of Thanet and the development of human occupation in Kent and Britain.

The damage or removal of objects and artefacts from land without permission is not only a criminal offence but removes the opportunity for present and future generations to gain an understanding of their past.

RESTRICTED (when complete)**MG11**

URN 46

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: **Dr Andrew Richardson BA (Hons) MPhil PHD**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Over 18**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date: **15th July 2010**Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person, and I am employed as the Finds Manager at the Canterbury Archaeological Trust a post I have held for the past two years. I am a qualified archaeologist. I am also an elected councillor within the Dover District where I am the nominated Heritage Champion. I am currently the chair of the Council for British Archaeology - South East. I am also the Honorary Curator for the Kent Archaeological Society and Kent Police volunteer with special responsibility for crime and anti-social behaviour involving heritage assets and the historic environment. One of my roles within the Trust is to develop community engagement programmes and activities within Folkestone. I have an extensive knowledge and understanding of the history and archaeology of Folkestone and I am currently developing a major community programme in the town known as 'A Town Unearthed: Folkestone before 1500'.

On 7th July 2010, I was contacted by Chief Inspector Mark Harrison, the policing advisor to English Heritage who informed me that the railway viaduct situated at Bradbourne Road, Folkestone, Kent, CT20 2HR, had been subjected to an incident of criminal damage in the form of spray paint graffiti. (Ordnance Survey reference TR 22719 36412).

I am familiar that the viaduct was designed by Sir William Cubitt (1785–1861). Cubitt was an eminent civil engineer who worked on canals, docks, and railways, including the South Eastern Railway. The viaduct consists of 19 round-headed brick arches, and spans the area known locally as the Foord Valley. At the central span the viaduct rises to almost 100 feet in height.

On 11th March 1975, the Secretary of State placed the viaduct on the Statutory List of Buildings of Special Architectural or Historic Interest - listing reference 175277. A listed building may not be demolished, extended or altered without special permission from the local planning authority.

The Folkestone viaduct is one of the most recognisable and distinctive structures in the town. It is well known by both residents and visitors and forms a key element of the town's historic fabric and identity. As well as its intrinsic architectural merit, it symbolises the importance of the railway in the growth of the modern town of Folkestone and played a key role in the development of Folkestone as a port and tourist destination during the later 19th and early 20th centuries. As a native of Folkestone, the viaduct is one of the things that I instantly associate with the town; it contributes to residents' sense of place and identity.

Signature:

Signature witnessed by:

Typed by:

RESTRICTED (when complete)

MG11 (Cont)

Continuation page 2

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Continuation statement of:

When the Folkestone People's History Centre was established in 2005 to promote interest in the town's past, the first enquiry by a member of the public involved the viaduct. Thus any damage to the viaduct impacts directly not only on the structure itself, but on resident's and visitor's views of Folkestone, its historic identity and the local community's sense of place.

I would be prepared to attend court and give evidence if required.

Signature

Signature witnessed by

Typed by:



RESTRICTED (when complete)**MG11**

URN 46

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: **Mr David Kincaid MSc, Dip TP, MRTPI, IHBC**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Conservation Officer**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person, and I am employed as the Conservation and Countryside Team Leader within the Canterbury City Council Planning & Regeneration Department a post I have held for the past 20 years. I am a qualified town planner and urban designer, and I am the Chair of the South East Branch of the Institute of Historic Building Conservation.

The purpose of the statement is to ensure that the Court considers the impacts that lead theft has on historic buildings.

Lead sheet is one of the oldest and most durable roofing materials. Lead was in use by 3,000BC and it was used in Roman times to form water pipes and baths. In the Medieval period lead was used for roofing, cisterns, tanks and gutters. Lead is a soft, malleable metal and can be shaped with hand tools without the risk of fracture. The main use of lead in local historic buildings is for roofs, flashings, down pipes, gutters and rainwater heads. Properly specified and detailed it can last for 150 to 200 years.

The theft of the lead creates a number of problems. Firstly, there is the cost of replacement which can be considerable. In removing the lead sheet, or flashings, the sub-strate is often damaged. Secondly the surrounding roofing materials to the flashing (such as tiles and slates) are also damaged during the theft. Guttering and down pipes are often broken or cracked during the process of removing the lead. In order to renew the lead the sub-strate has to be repaired and any underlay replaced. (Lead sheet requires a smooth sub-strate to allow for thermal movement). To re-fix flashings several courses of tiles have to be lifted, the flashing laid and the tiles re-fixed.

Lead theft from schools frequently takes place at weekends, or during holidays, when buildings are empty. The damage that can be caused by water penetration over the course of even one or two days can be very serious. The ingress of water over a large flat roof area that has lost its lead covering can ruin ceilings, decorations and flooring. Equipment underneath such as computers can be destroyed by water ingress. If flashings are removed but the theft is not immediately apparent then roof valleys and abutments can leak for weeks or months. This longer timescale of water ingress can create conditions for wet rot and dry rot which again can be very expensive to repair.

Signature:

Signature witnessed by:

Typed by:

RESTRICTED (when complete)

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Continuation page 2

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Continuation statement of:

Maintaining roofs and gutters is an essential part of conserving heritage assets such as listed buildings. Maintaining lead roofs, clearing valleys and gutter outlets are all vital to keeping buildings in good order. The theft of a lead roof causes major damage to the fabric of a listed building. If unnoticed for any period of time the resulting water ingress can cause serious problems to the building.

The disruption and expense caused to the school far outweighs the cost received by selling the stolen lead. The stolen lead may have a value of £500 but the cost to replace and repair it can be £30,000.

I am willing to attend court and to give evidence if so required.

X

Signature

Signature witnessed by

Typed by:



Kent Police – Area Operations CJ

WITNESS STATEMENT

(Criminal Justice Act 1967 s.9; Magistrates' Courts Act 1980, ss.5A (3)(a) and 5B; Magistrates' Courts Rules 1981 r.70)

Statement of Paul Humphris

Age: Over 18 (if over insert 'over 18')

Occupation: Insurance Claims Negotiator

This statement (consisting of 3 pages) is true to the best of my knowledge and belief and I make It knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

Date

I am the Technical Property Consultant, for the Claims Department of Ecclesiastical Insurance Group and have been employed by the company in this role for three years having worked for the company for 20 years in total. I am authorised by Ecclesiastical to speak for the business and comment on the impact of metal thefts on the company and its customers.

Ecclesiastical is an insurance company owned by a charitable trust. It specialises in the provision of insurance and risk management services to the faith, charity, care, education and heritage markets. The company is the insurer chosen to protect approximately ninety five percent of Anglican churches as well as many churches of other faiths. The Ecclesiastical group of companies also includes the Methodist, Baptist and Ansvar insurance companies operating in the United Kingdom and abroad.

Between 2000 and 2004 there were less than 20 thefts of metal a year from our nation's Anglican churches however the levels of crime have escalated since then largely in correlation with the market value of metals such as lead and coppers. Between 2007 and 2009 Ecclesiastical received reports of 5,600 thefts at a cost of £19m to us, equating to more than £1,100 per Church of England church, but there are significant uninsured losses over and above these figures. The problem is continuing into 2010 with more than 2000 thefts reported by the end of November.

While it is the metal that the thieves seek the gain to the thief maybe modest. Considerable damage to heritage buildings is frequently caused in the process of climbing onto roofs and the removal of roof coverings, lead flashings and lightning conductors. There can also be significant additional damage as a result of the theft caused by the ingress of rainwater. While Insurers can provide some financial compensation and allow modern reconstruction, the loss of our heritage caused by damage to ancient buildings can never be recovered.

Continuation of Statement of: Paul Humphris

Page No 2 of 2

Our figures include only those churches and associated buildings Insured with Ecclesiastical and do not include the additional financial losses incurred by the victims of these thefts, whose claims are often restricted by limits of cover and policy excesses. Many churches have been attacked on more than one occasion so their losses will be multiplied. It is impossible to quantify the disruption, distress and inconvenience that our customers and their patrons suffer in consequence of these crimes.

Ecclesiastical has been extremely proactive in response to these thefts, investing considerable resources to raise awareness and minimise the crimes. In July 2008 we won the British Insurance Awards for Risk Management in recognition of our publicity and crime reduction efforts. We cannot however sustain these losses indefinitely without undermining our charitable purpose. Regrettably, Ecclesiastical has now had to take the most unwelcome step of reducing cover for the theft of metals which will place the greater burden of future thefts upon the congregations and communities that we are trying to protect.

Whilst working very closely with a number of police forces we have witnessed how difficult it has been for the police to bring offenders to court, and how derisory sentences have undermined their efforts and our campaign. Ecclesiastical requests the court to consider the underlying impact that metal thefts have upon our churches, schools and heritage buildings and the communities that they support, as well as upon our business and its charitable aims. We ask the courts to impose upon offenders convicted for such crimes, sentences that reflect the true cost and destruction and which will serve to deter those engaged in this form of criminality.

Signature:

Date:

Witnessed by:

Heritage Crime Guidance for Sentencers

Introduction

England's historic environment holds a unique place in England's cultural heritage and the multiple ways it supports and contributes to the economy, society and daily life. It is also a non-renewable resource of a fragile and finite nature. Once lost it is lost forever. It is of the utmost importance that we protect and conserve those significant elements of it for now and future generations.

England has a wealth of heritage assets both designated and non-designated which are subject to crime across the country. Currently there is no sentencing guidance in existence which can be referred to by the courts and their legal advisers to assess the true impact of harm caused to these assets by crime and so to enable that harm to be properly reflected in sentences.

The need for heritage sentencing information

Crime affecting heritage assets can be specific heritage crime offences that apply to designated and non-designated assets, and also mainstream crime such as theft, criminal damage and anti-social behaviour offences.

Assessing the seriousness of heritage crime offences requires a detailed analysis of the direct and immediate harm as well as the wider consequences for the historic environment.

Harm caused to a heritage asset from heritage crime will often have both direct and indirect impacts. For example the loss of historic fabric from a listed building through vandalism or theft will not only have a direct impact on the heritage asset itself, but may also have an indirect impact including those that may be more readily identified as social or economic impacts e.g. decline in local amenity through vandalism and the loss/partial loss of a heritage asset that is valued locally as well as nationally.

The seriousness of specific heritage crime offences is highlighted by the fact that almost all of these offences are triable eitherway and carry either the maximum fine in the Magistrates' Court and for some 5 times the statutory maximum (£20,000 compared with £5,000) and/or imprisonment. The seriousness is also reflected by the fact that many of these offences are of strict liability. The impact of this crime on heritage assets can be significant and is often irreversible

In addition to the specific heritage offences referred to above many heritage assets are regularly affected by mainstream crime. Until recently this crime has not always been recognised as heritage crime – either by those

responsible for investigation, enforcement and prosecution or the courts – and consequently its true impact, which can be significant, has also not been recognised.

Specific heritage crimes rarely reach court which means that these cases remain relatively novel to magistrates'. In addition there is a lack of guidance on how mainstream crime might affect a heritage asset. It is essential that magistrates' and their legal advisers are properly informed about the nature and types of crime carried out to heritage assets and have an understanding of the impact (or harm) that these crimes have on those assets so that they can impose penalties that properly reflect the severity of the damage or harm that has arisen.

English Heritage is currently working on a Heritage Crime Guide for Sentencers with the assistance of the Crown Prosecution Service, the Magistrates' Association and the University of Sheffield.

The primary purpose of this guidance will be to assist magistrates' and their legal advisers and anyone else with an interest in understanding and dealing with heritage crime.

There is of course current sentencing guidelines issued by the Sentencing Guidelines Council for crime which will be the starting for any sentencing exercise. However our proposed guide will provide further assistance to Magistrates in sentencing heritage crime.

Information Exchange Protocol

Purpose and Legitimate Aim

Sharing information can bring many benefits. Law enforcement agencies must have access to the information they need to counter the increasingly sophisticated methods that criminals are using to commit crime within the historic environment.

Work is currently underway to develop a Protocol that will:

- Facilitate the exchange of information between partner agencies;
- Enable the partnership to fulfil its statutory duties and work together to ensure public safety and for the prevention of disorder and anti-social behaviour; and
- Ensure that the benefits of information sharing are delivered, while maintaining public trust and respecting personal privacy.

The agreement to create this Protocol is set out in the Heritage Crime Memorandum of Understanding (appendix 2).

The Protocol will be mainly concerned with the exchange of personal data where no other form of data will satisfy the requirement and when completely de-personalised information is requested, the assumption is that this information will be shared e.g. statistical information.

The draft Protocol will be circulated for a period of consultation and review.

KEY INDIVIDUAL NETWORKS

Definition

A Key Individual Network, or KIN, is a community engagement mechanism advocated by the Association of Chief Police Officers and now being embedded into Neighbourhood Policing and partnership systems and processes across the country, and can be defined in the following terms:

“A Key Individual Network or KIN is a core group of local people who live, work or regularly pass through a neighbourhood. By the nature of their place or function in the local community, KIN members will be particularly in tune with the latest developments in their neighbourhoods.”

“They are the people who can bring together the community intelligence we need to act on local concerns and provide reassurance to communities.”

Network development

A Key Individual Network will provide a representative cross section of individuals and member of groups and organisations who play an active role within the community. For example:

- Shopkeepers
- Faith group representatives
- Teachers, young people
- Park keepers
- Residents and those people who work within an area

Ideally a KIN should comprise of at least 30 members.

Purpose

The development of an active KIN will allow police and partner agencies to:

- Engage with members of the community on a regular basis
- Explore issues of concern at local level
- Collect up to date intelligence relating to crime and anti-social behaviour
- Develop intelligence into activity through the tasking and priority setting process
- Allow police and partner agencies to feed information back to the community on progress and action. Following the ethos of – *“You said, we did.”*

Benefits

Research has shown that an active KIN can make a positive contribution to the work of the neighbourhood policing and partnership teams. KINs have been shown to be an effective resource, in that they provide:

- A ready source of Information relating to local crime and ASB
- A means to disseminate information
- A regular opportunity to engagement with people in the community and
- Keep the public informed of partnership working

Outcomes

An effective and positively managed KIN will result in the sharing of information between the police, partner agencies and the community they serve.

A KIN can introduce individuals and groups, who previously may not have been aware of each others' role or function within a community.

The objective for a KIN is to become self-sufficient and facilitating community action in partnership with the statutory agencies.

Heritage - Key Individual Networks

Key individual networks provide an excellent opportunity to prevent and enforce crime and anti-social behaviour within the historic environment.

A number of Heritage KINs are in the early stages of development and include:

- Canterbury District
- Cheshire West and Chester
- Dover
- East of England
- Gloucestershire

Membership of a Heritage KIN

There is no defined or mandatory composition of a Heritage KIN and each network should be tailored to meet the need of the issues that are apparent within each specific community.

Example of a Heritage KIN structure

Enforcement

- Neighbourhood Policing Team or Safer Neighbourhood Team

Local authority

- Community safety
- Buildings Conservation
- Listed Buildings Enforcement
- Archaeological and Heritage Services
- Historic Environment Records
- Landscape and biodiversity

Fire and Rescue

- Community safety

Historical and amenity groups

- Organised groups and societies
- Owners and managers of heritage assets and sites
- Portable Antiquities Scheme – Finds Liaison Officer

The community

- Ward, Parish and District/Borough
- Landowners and gamekeepers
- Farming community

Non-governmental organisations

Examples

- National Trust
- Royal Society for the Protection of Birds (RSPB)
- Wildlife Trust
- Woodland Trust
- Crime Stoppers

Alliance to Reduce Crime against Heritage

- Full list shown on English Heritage website

Example of a Heritage Key Individual Network – Canterbury District Kent



The KIN has worked together to identify issues, share information and implement activity to tackle crime and anti-social behaviour in the historic and natural environment including: fly-tipping, vehicle nuisance, graffiti, fire-setting, illegal raves.

Risk assessment process

**for crime & anti-social behaviour within
the historic environment**

Introduction

The historic environment is a rich and diverse part of England's cultural heritage. It takes in all aspects of the environment that have been shaped through human activity.

The value of the historic environment, and the contribution it makes to our cultural, social and economic life, is set out in The Government's Statement on the Historic Environment for England 2010 -

'That the value of the historic environment is recognised by all who have the power to shape it; that Government gives it proper recognition and that it is managed intelligently and in a way that fully realises its contribution to the economic, social and cultural life of the nation.'

English Heritage aims not only to ensure the preservation of our historic surroundings for the future, but also, to encourage people to appreciate and enjoy their heritage today.

However, it is becoming increasingly difficult to achieve these objectives due to criminal and anti-social behavior within the historic environment.

Quality of place

The Government's strategy for improving quality of place, *World Class Places* (2009), recognises the essential role of the historic environment in providing character and a sense of identity to an area.

High quality places also bring wider community benefits, such as better health and education outcomes, reduced levels of crime, and improvements in community cohesion and social inclusion.

Heritage assets play a key role in defining place and in building local pride. They can have a totemic value to a community, provide local focal points and can offer spaces for recreation or for people to meet.

People care about and want to conserve those elements of the historic environment that hold heritage value for them. Once they are lost, they cannot be replaced. People also want the historic environment to be a living and integral part of their local scene.

An assessment of this kind is not a new process and the assessment of the special historic, architectural, archaeological or artistic interest of the many heritage assets such as listed buildings and scheduled monuments have been undertaken for many years as part of the process of designation or prior to considering a consent application.

However, this will be the first time that heritage assets and associated settings will be assessed for the actual or potential level of risk of crime and anti-social behaviour (ASB).

Designated assessment risk assessment process

This process has been developed in order to ensure that heritage assets, settings and their significance are not irretrievably lost to the impact of crime and anti-social behaviour. The process seeks to provide an early warning to address or mitigate risk/threats where possible, before loss or damage occurs.

It is therefore, essential to identify the risks/threats to assets, asset types, settings, landscapes, areas or sites, in order to understand the way that they act on the historic environment and to prioritise action and activities accordingly.

Opportunities for positive or pro-active measures will also ensure that actions can be taken which will forestall or negate threat in the medium to long term, and that chances to promote the enjoyment, valuing of, or caring for the historic environment are not overlooked.

This approach requires effective early consultation and continuing engagement to ensure that the process represents the support of the historic environment sector.

Methodology

Identification

Identify location of heritage assets and associated setting within identified location e.g. borough, district, parish, ward etc. Heritage assets are defined within *Appendix A*

Significance/importance

Assess the significance/importance of the asset/setting employing a scale of 1 – 5. A score of five will indicate that the asset has been assigned with the highest level of significance/importance. It is also important to consider the volume and scale of assets within a setting. For example a single Grade II listed building may not be as important as a whole conservation area. This is a heritage judgment.

An asset is what we're trying to protect.

Definition of threat

A threat will be defined as anything that can exploit a vulnerability, leading to damage, destruction or removal of fabric of an asset and its associated setting,

Vulnerability will be regarded as the potential weaknesses in preventative measures taken to minimise damage or loss to an asset/setting.

Typology/agreed vocabulary/controlled vocabulary

Using the typology/agreed vocabulary/controlled vocabulary shown at *Appendix B*, assess the level of threat posed to the asset and setting from the impact of crime and/or anti-social behaviour based on evidence of -

- Historic offending patterns;
- Contemporary offending patterns; and the
- Potential for increased levels of crime and ASB e.g. new road, economic situation etc.

Risk

Risk will be defined as the potential for loss, damage or destruction of an asset as a result of a threat exploiting a vulnerability.

Risk is the intersection of assets, threats, and vulnerabilities. Therefore, the formula used to determine risk -

Asset + Threat + Vulnerability = Risk.

Risk is a function of threats exploiting vulnerabilities to obtain, damage or destroy assets. Thus, threats (actual, conceptual, or inherent) may exist, but if there are no vulnerabilities then there is little/no risk. Similarly, you can have a vulnerability, but if you have no threat, then you have little/no risk.

A threat will be assessed employing an agreed scale that will indicate the level of risk that the asset and/or its setting has achieved.

The assessment should ask –

- “What might be lost if nothing is done? Is it just graffiti? “annoying, but can be cleaned up eventually.” – potential reparation or return to favourable status
- or
- “Is it arson? “no way back?” – irreversible harm or loss?

Crime and ASB reduction plans

Following the assessment of risk it is essential that plans are developed to reduce the level of threat and vulnerability to an asset/setting. The table shown below provides guidance on how this may be achieved -

Effectiveness of proposed measure.

If the proposal were to station a police officer on 24 hour watch over a building then the effectiveness would be assessed as ‘higher’. If, more realistically, Neighbourhood Policing Team are briefed about the location of the asset then the score for effectiveness would be lower.

Resourcing

The development of effective multi-agency partnerships is the key in the delivery of the risk assessment process. The definition of shared objectives and the encouragement of partners and the wider community to take a proactive role will assist in the delivery of reduced levels of crime and anti-social behaviour.

Using the evidence

The evidence base will be used to –

- Complete the annual Heritage Crime Strategic Assessment;
- Identify heritage assets at risk that need to be targeted in planning, regeneration and tourism proposals, with particular reference within, community safety plans and sustainable community strategies.
- Ensure that criminal or anti-social behavior does not diminish the historic environment resource.

Outcomes

The effectiveness of proposed measures and interventions will be measured within the Heritage Crime National Strategic Assessment.

Controlled terminology

Outline

The controlled terminology will provide an agreed set of terms for describing:

- Crime involving heritage assets and associated setting;
- Anti-social behaviour (ASB) involving heritage assets and associated setting.

The terminology will also provide an agreed set of terms for describing and recording crime and ASB within the historic environment, that can be utilised by:

- English Heritage;
- Signatory organisations to the heritage crime memorandum of understanding; and
- Members of ARCH and other partner agencies and stakeholders working within the heritage sector.

Outcomes

The benefits of using an agreed/controlled typology/vocabulary will include:

- Consistency of approach in recording;
- Accuracy of recording;
- Ability to record and measure type, volume and location of offending;
- Integration of data into strategic and tactical assessment processes; and

- Ability to share information/data in order to tackle crime/ASB in communities.

The table shown at *Appendix B* illustrates the types of crime and anti-social behaviour that can be used as part of the:

- Risk assessment process in order to identify the higher risk locations within a district or borough; and,
- Where crime and incidents have occurred, the information that is recorded is utilised within the intelligence and analytical function.

APPENDIX A**The Historic Environment and Heritage Assets**

The historic environment is made up of various elements that hold significance which are called 'heritage assets'. This term includes all manner of features both designated and non-designated (and whether or not capable of designation), including buildings, parks and gardens, standing, buried and submerged remains, areas, sites and landscapes. The significance of a heritage asset is the sum of its architectural, historic, artistic or archaeological interest (PPS5 Practice Guide, section 3 paras 10 and 12).

Designated heritage assets

These are heritage assets that have been identified as having a level of significance that justifies special protection measures. They include:

World Heritage Sites inscribed by the UNESCO World Heritage Committee for their Outstanding Universal Value.

Scheduled monuments are designated under the Ancient Monuments and Archaeological Areas Act 1979 by the Secretary of State for their national importance.

Listed Buildings are designated under the Planning (Listed Buildings and Conservation) Areas Act 1990 by the Secretary of State for their special architectural and historic interest.

Designated wreck sites are designated by order under the Protection of Wrecks Act 1973 for their historical, architectural or artistic importance.

Conservation areas are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990, primarily by local planning authorities, for their special architectural or historic interest the character of which it is desirable to preserve or enhance.

Registered Parks and Gardens are designated by English Heritage under the Historic Buildings and Ancient Monuments Act 1953 for their special historic interest.

Registered battlefields are designated by English Heritage on a non-statutory basis.

Protected military remains of aircraft and vessels of historic interest under the Protection of Military Remains Act 1986. The Act provides protection to the wreckage of crashed military aircraft (whether designated or not) and designated wreckage of military vessels.

It should be noted that Areas of Outstanding Natural Beauty, National Parks and the Broads are designated to conserve both the natural environment and their cultural heritage.

Non-designated heritage assets

These are heritage assets that although not designated are nonetheless acknowledged as having significance within the historic environment at a local level (often through local listing) and also sometimes nationally.

APPENDIX B

THEME	Controlled vocabulary
A	Heritage specific
B	Damage – Other
C	Removal of objects
D	Inappropriate use of vehicles
E	Environmental crime
F	Nuisance behaviour
G	Substance misuse
H	Natural environment
J	Public sex environment
K	Assault

Heritage Crime Prevention Measures

Crime prevention through environmental design (CPTED)

Research shows that building design affects whether or not criminals decide to commit a crime. Criminals are more concerned with the risk of being caught than by the rewards they might gain if they commit a crime. So the design of the built environment can help to prevent crime.

The primary objective of the Heritage Crime Initiative is to prevent and reduce crime and anti-social behaviour within the historic environment.

English Heritage will be working with crime prevention experts and partner agencies to explore the potential of utilising the techniques of crime prevention through environmental design (CTED) to protect heritage assets and their associated settings from the impact of crime and behavior.

CPTED strategies

There are 3 strategies that can help to reduce crime. Examples of practical measures are shown below each of the strategy headings.

1. Natural surveillance:

Increasing the perception that criminals can be seen

Potential problem areas should be well lit,

2. Natural access control:

Clearly differentiate between public and private space, by placing entrances and exits, fencing and lighting

Use a locking gate to prevent access to back gardens from the front of a house

3. Natural territorial reinforcement:

Create a sense of ownership of spaces. Owners have a vested interest and are more likely to challenge intruders.

Keep premises maintained well and gardens landscaped to suggest an active presence in the space

Display security system signs at access points

Scheduling activities in common areas attracts more people and increases the perception that these areas are being watched and managed.

Interventions and out of court disposals

There are various interventions available to those responsible for the enforcement of heritage crime from prosecution for the most serious of crimes through to a caution or perhaps formal warning letter for low level and low risk crimes.

Enforcement of heritage crime will only be successful as part of a multi-agency approach that aims to impact on the underlying issues and problems that may be hindering a long-term change in behaviour and the repetition of offending. It is important for agencies and communities to set the standards of behaviour by which they expect people to live.

If these standards are to be credible and respected the police, local authorities and other agencies such as English Heritage should work together and with local people to take swift and effective action to uphold them if they are breached.

Since 1999 a range of legislative changes have sought to clarify, streamline and reinforce the interventions available to agencies and practitioners.

The interventions now available present a range of options that are designed to be flexible and which can be used in varying combinations in order to deal with a specific problem.

Work is underway by English Heritage to produce a guidance document designed to serve as a general guide to the various interventions available for heritage crime.

The guide will look at the use of various interventions including out of court disposals, for example:

- Warning letters and interviews/meetings
- Voluntary agreements (Restorative Justice)
- Penalty notices for disorder
- Adult (simple) cautions

- Conditional cautions
- Juvenile reprimands and final warnings
- Supportive interventions for young people
- Anti-social behaviour orders and other measures such as Acceptable Behaviour Agreements (currently under review by the government)
- Prosecution
- Other useful enforcement tools

The guide will also look at the use of Restorative Justice (RJ) when dealing with heritage crime. Restorative Justice can take place at any stage of the criminal process whether a case is to be dealt with by out of court disposal or after conviction.

RJ gives everyone with a stake in a specific offence to collectively resolve how to deal with the aftermath of the offence and its implications for the future. It provides an opportunity for those involved to communicate about what happened. The effect it had on them and what can be done to repair the harm.

RJ offers offenders a unique opportunity to face up to what they have done, take responsibility and make up for the harm that their offending has caused. This can involve restitution or reparative measures where the offender and the victim agree. RJ is a voluntary process.

English Heritage hopes that the guide will assist those agencies responsible for enforcing heritage crime.

If you would like this document in a different format, please contact
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