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Matthews B (Barry)

From: Sheila Lodge [Sheila.Lodge@uhi.ac.uk]
Sent: 30 March 2007 11:09
To: Cultural Bill Consultation
Subject: Response to the Draft Culture (Scotland) Bill Consultation from UHI Millennium Institute

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Dear Mr Matthews,

Please find attached a response to the Draft Culture (Scotland) Bill submitted on behalf of UHI Millennium Institute.

Yours sincerely,

Sheila Lodge.

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Draft Culture (Scotland) Bill
Response to Consultation Document from UHI Millennium Institute

The response of UHI Millennium Institute to the consultation questions would be as follows:

Section two: local cultural entitlement and cultural planning:

- *Do you think that developing local cultural entitlements will help to increase participation in cultural activities?*

Developing local cultural entitlements will certainly have publicity value, and as a result is likely to encourage a wider cross section of the population to sample activities with which they have not previously engaged. However, there is a danger that the interpretation of 'entitlement' may lead to a tick box mentality, whereby minimum provision is made available and few arrangements are put in place to allow people to follow up new-found interests.

- *If you believe further or alternative measures are necessary, what are they?*

It would be advisable to ensure that adequate provision is made for people to move beyond the initial engagement with a new entitlement activity. The nature of such additional provision would obviously depend upon the choice made by individual local authorities as to which cultural entitlements they are to provide.

- *How do you think the Scottish Executive and local authorities can best utilise the influence and impact of cultural activity?*

Cultural activity is identified in the draft bill as having the potential to help local authorities better pursue some of their other functions, such as education, economic development and social services: the evaluation of the extent to which this is occurring would be challenging, but as a necessary first step audience research and feedback should be obtained from those engaging in cultural entitlement activity.

- *Do you think the initial draft guidance under this part of the Culture Bill is clear and helpful? Is there anything else it should contain?*

No further comment.

Section three: Creative Scotland

- *Do you agree that there should be a single national cultural development body?*

Yes. The particular provision accorded to the film industry through Scottish Screen is anomalous, and opportunities for synergy and cooperation will be fostered by the new body.

- *Do you agree with the remit proposed for Creative Scotland? Has it the right powers and functions?*

The remit would appear to be broadly appropriate, although no rationale is given for transferring the current Scottish Arts Council responsibility for funding of the national performing companies not to Creative Scotland but to the Scottish Executive. Without a rationale, it is difficult to understand why this power is being reserved to the Executive: and despite the claim that Ministers remain strongly committed to the principle that decisions regarding funding which are essentially about artistic judgement should not be taken by

them, the ground seems to be being prepared for arguments to rage around this question in future. The opportunity to reconsider this decision might well be taken.

While applauding the economic development role for the Creative Industries accorded to Creative Scotland, it is troubling that the list of areas included in this remit does not include advertising – a major creative industry in Scotland, and one which has particular importance in terms of the use of images of Scottishness in an influential public medium. Although the list does not claim to be entirely inclusive, the absence of advertising does raise questions about how it is perceived as an industry.

- *Do you agree that Creative Scotland should work in concert with Scottish Executive to implement national cultural policy?*

Yes.

Section four: the National Collections

- *Do you agree that the National Collections should remain as constitutionally separate Centres of Excellence?*

Yes.

- *Do you think the powers and functions proposed for the Collections in the draft bill are right, if not how would you improve them?*

Yes. In particular, the proposal that the Collections continue and enhance their leadership and support of local collections is applauded.

- *Do you agree that the Faculty of Advocates should be able to contribute to the Board of the National Library by having at least one representative?*

Yes.

- *Do you agree that the Collections have the appropriate powers to obtain, loan and dispose of objects for or from their collections? If not, what would you change?*

No comment.

- *What do you think of the name 'National Record of Scotland'?*

The use of the singular form makes the phrase uncomfortable. It also implies that there is only one record of Scotland's activity: unless the archive is assuming that historians will in future find no other source of evidence, this again seems anomalous. The term 'archive' has widespread recognition and acceptance, and 'modernising' it seems unnecessary.

Section five: dealing in 'tainted' cultural objects

- *Do you agree that an offence similar to that in the 2003 Act should be introduced in Scotland?*

Yes.

Section Six: powers for local authorities to broadcast information

- *Do you agree that local authorities should have a general power to broadcast information about their activities?*

Yes, but the consultation document is ambiguous. If it refers to the power of local authorities to use broadcast media in order to publicise information about their activities, then that would seem to be entirely appropriate. If, however, the reference to local authorities being 'able to broadcast television and radio' implies that they have the right to set up their own radio or television channel, then this would seem to be creating a new field of endeavour for local authorities, and one which is likely to be unpopularity expensive.

- *Do you think it is necessary to give authorities this power in this Bill, or should local authorities be left to rely on 'the power to advance well-being' in section 20 of the Local Government in Scotland Act of 2003?*

The existing power in the Local Government in Scotland Act of 2003 would seem to be adequate to this purpose.