

Matthews B (Barry)

From: Bangor-Jones M (Malcolm)
Sent: 30 March 2007 12:08
To: Matthews B (Barry)
Subject: DRAFT CULTURE BILL

Acknowledged. 116
B1277995 (F1)
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Culture Bill March
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please find attached a response from HEACS. I can confirm that HEACS is content for the response to be made public and for HEACS to be contacted in the future.

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**SCOTTISH EXECUTIVE CONSULTATION ON DRAFT CULTURE
(SCOTLAND) BILL**

**RESPONSE BY HEACS (HISTORIC ENVIRONMENT ADVISORY COUNCIL
FOR SCOTLAND)**

1. HEACS provides Scottish Ministers with independent strategic advice on the historic environment.

2. HEACS is pleased to see the legislative framework resulting from the Scottish Executive's response to the Cultural Commission. HEACS welcomes among the developments in 2006 the introduction of Recognition for the distributed national collection in non-National museums since, subject to adequate funding to support the Significance Scheme, this should materially enhance resources for the care and housing of and access to collections held in important historic buildings and environments.

Bill

3. HEACS is concerned that the definition of culture within the draft Culture Bill effectively excludes the heritage and historic environment other than the defined 'national collections'. HEACS regrets that the views of the historic environment and heritage sector as expressed in HEACS's letter to the Minister for Tourism, Culture and Sport, enclosing the joint response of 16 heritage bodies, in December 2005 have not been taken into account. HEACS is concerned that the draft Culture Bill has become a lost opportunity to recognise the importance of the historic environment to the cultural life of Scotland.

4. HEACS urges that the Bill should incorporate a preamble re-stating the definition of culture including the heritage and historic environment.

5. Furthermore, references to Creative Scotland as 'the cultural development body' for Scotland should be amended so that it is clear that Creative Scotland is the development body for the visual, performing arts and creative industries. The draft Bill as it stands omits other important cultural forms outwith the tightly defined remit of Creative Scotland. We recommend that the draft be changed, so that the creative contribution of the heritage and historic environment sector and of architecture and design are brought within the compass of the Bill.

Entitlements

6. HEACS is concerned that the formulation of cultural entitlements seems to be entirely discretionary and locally determined. HEACS is of the view that the Scottish Executive should consider some means of enhanced support for the provision of cultural entitlements.

7. HEACS recommends that Historic Scotland be asked to develop a national framework for cultural entitlements in respect of the historic environment and guidance on quality assurance indicators.

8. Local authorities should be asked to define entitlements in terms of the services they themselves provide directly or through grant aid, and also in terms of those provided by other cultural providers.

Collections I 9. The National Survey of Scotland should be the name of the RCAHMS.

Consultation questions

Local cultural entitlements

No.1 Will developing local cultural entitlements increase participation in cultural activities?

10. If widely used, the rhetoric of cultural entitlement and associated effective public information, should increase demand and public expectations. But success in meeting them will require enhanced resources and the introduction of cultural plans, quality assurance standards, and visible evaluation.

11. HEACS recommends that:

- local authorities be asked to consult, support and promote cultural activities offered by organisations not directly funded by the local authority, such as local preservation and heritage groups, and independent and university museums;
- the dispersed responsibility for 'local heritage' be taken into account and a quality assurance framework be developed for this area of cultural provision at professional and public level;
- information about entitlements should be promoted, for instance, via signposting, websites, and leaflets. Putting these in an official document would not provide an adequate route to promote effectively throughout local communities; and
- a communication and promotion plan for cultural entitlements should be part of the cultural strategy produced by each authority.

No.2 What further measures are necessary?

12. The formulation and delivery of a cultural policy and associated services and entitlements will cross local authority department boundaries. HEACS would suggest that the location of responsibility for cultural strategy within any local authority's cabinet/executive board should be made explicit as part of the cultural strategy.

13. HEACS believes there is merit in encouraging local authorities to develop local cultural fora, meeting two to three times a year. This will enable local arts/culture/heritage/community bodies to meet, develop cross-arts and collaborative projects, and will foster the development of cultural entitlements.

No.3 How can the Scottish Executive and local authorities best utilise the influence and impact of cultural activity?

14. All forms of cultural activity, including those associated with the historic environment, can have a positive impact across many areas of Scottish life. HEACS welcomes the commitment given to monitoring such impact and recommends that the Scottish Executive ensures that the historic environment is taken account of.

No.4 Is the draft guidance clear and helpful?

15. The diagram of process is clear. Mapping local cultural provision must include independent and voluntary bodies, as well as opportunities to access nationally run local sites, such as the Antonine Wall and National Trust for Scotland sites. However, 'heritage resources' is a broad umbrella term and guidance to local authorities would be improved by having a more explicit definition and examples of provision.

Creative Scotland

Nos. 5-7 on the need for and proposed remit of Creative Scotland, and whether it should work in concert with the Scottish Executive to implement national cultural policy

16. HEACS recommends that this section be reworded with greater care for precise meaning and with consideration for the wider cultural sector beyond the performing arts and contemporary visual arts communities. Our understanding is that Creative Scotland will be the development body for the national performing and visual arts. The risk of the present wording is that it will alienate the rest of the cultural sector and thereby marginalise it.

17. At present the proposed draft remit is misleading in that 'culture in the form of the arts, film and wider screen industries' becomes the 'national cultural development body' tasked with promoting 'understanding, appreciation and enjoyment of arts and culture'. This elision effectively appropriates the entire cultural development agenda and implicitly excludes the creativity and developmental activities fostered by other parts of the cultural heritage sector - museums, galleries with historic art collections, built heritage, archives and libraries as well as architecture and design which should properly be considered as part of Scotland's creative industries. It thus reads as relegating these to a static, as opposed to developmental, second class role in Scotland's cultural life which HEACS cannot believe to be the intention of the Scottish Executive. The National Cultural Strategy is inclusive.

National collections

No.8 Should the National Collections remain as constitutionally separate centres of excellence?

18. Yes. The National Collections have distinctive roles and functions which would be best served by remaining separate.

No.9 Are the powers and functions proposed for the Collections right?

19. The list of Museums and Galleries to which nationals can transfer their collections may require revision, if not updated since 1992, in the light of Designation (England) and the new Significance Scheme (Scotland). The powers also need to be checked to ensure that the museums are not prevented from sanctioning repatriation, e.g. of human remains, or of artworks of proven Jewish

provenance appropriated by the Nazis, where evidence has been produced and the Trustees wish to sanction their return.

20. HEACS supports formalisation of the Nationals' role in relation to the rest of the country but would like to see phrasing that acknowledges that the relationship between regional collections and the nationals is reciprocal, not just top down.

21. Enhanced cooperation is a good idea, as is the establishment of a Forum for the national collections of Scotland. HEACS would, however, like to see membership of this National Forum widened to include representatives of the historic environment, Scottish Museums Council and of the Recognised collections as a means of fostering cooperation and promoting the cultural heritage of Scotland.

No. 10 What do you think of the name 'National Record of Scotland'?

22. HEACS prefers the name The National Survey of Scotland or, as a compromise, The National Survey and Record of Scotland. The name National Record of Scotland could give rise to public misunderstanding and could be seen as misrepresenting the scope of work carried out by the organisation.

Dealing in tainted cultural objects

No. 13 Should an offence similar to that in the 2003 Act be introduced in Scotland?

27. HEACS fully supports the need for such a provision. The absence of parallel legislation in Scotland means that a loophole has existed since January 2004. It also means that Scotland has not responded to the UK's accession in 2002 to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Transfer of Ownership of Cultural Property, which the 2003 Act complements and reinforces elsewhere in the UK.

**HEACS
March 2007**

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