

SCOTTISH POETRY LIBRARY

27.03.07



Please find the SPL's response attached. We have also submitted it electronically.

Robert Marsack  
Director

Acknowledged.  
B1266196.  
Permission to put  
on web.

## **Response from the Scottish Poetry Library to the Scottish Executive's Draft Culture (Scotland) Bill**

As a member of the Literature Forum for Scotland, the Scottish Poetry Library (SPL) endorses wholeheartedly the Forum's considered response, both in its preliminary comments and in the answers to specific questions. The response of the SPL, therefore, is less detailed but emphasises the points raised in connection with Scottish culture and the school curriculum, the international context, and the vital importance of partnership working at local and national levels to ensure consistency of provision.

### **1. PRELIMINARY COMMENTS**

- 1.1 The main difficulty perceived by the SPL with regard to both the Culture Bill and the Guidance Document was the lack of reference to cultural outcomes: without these being defined, however broadly, the three main concerns of the Bill have no reference point. Given that 'Scotland's Culture' was so broad in scope, it was disappointing to find that nothing had been distilled from it to serve as useful guidelines in this vital matter.
- 1.2 The Bill fails to recognise the particularly important role of literature in society and in education, although it possibly has the most widespread take-up and engagement of any art form. In 'Scotland's Culture' it was particularly mentioned that Creative Scotland's remit should include 'enhancing the role and prominence of Scotland's literature and publishing, developing that sector's link into schools'.
- 1.3 Links with education and educational bodies receive scant recognition of their vital importance.
- 1.4 Scotland's culture – its literature in particular – does not exist in isolation: it needs to be vigorously promoted abroad, and international links need to be developed to foster Scottish practice. This is not adequately addressed in the Bill's provisions.
- 1.5 The definition of the respective roles of Creative Scotland, local authorities, and the Executive in delivering on overall national cultural strategic aims is entirely inadequate. Years of collective experience in this field have proved to arts organizations that a simple logical division between local and national does not exist in this country. Neither a clear delineation of these responsibilities nor partnership working for delivery are provided in the existing Guidance or draft. The SPL supports the suggestion that these problems be addressed by a requirement that local, national and Executive bodies work together, formulating overall strategic aims and national cultural standards, perhaps through a national culture forum, which could be chaired by Creative Scotland.

**DRAFT CULTURE (SCOTLAND) BILL - ANNEX B  
SCOTTISH POETRY LIBRARY  
ANSWERS TO CONSULTATION QUESTIONS**

**Local cultural entitlements**

**1 *Will developing local cultural entitlements help increase participation in cultural activities?***

Yes, if the meaning of 'entitlements' is clearly defined; the term does not appear in the Bill itself, although it appears in introductory notes.

**2 *Are further / alternative measures necessary? If so, what?***

The Bill is welcome in its encouragement of cultural enhancement at all levels. It is questionable, however, whether the challenges the Bill implies can be met without additional investment, given inequalities across Scotland's regions: the geographical challenges displayed in some, the variations in educational resources, and other aspects affecting cultural delivery, such as the transport infrastructure.

The SPL is concerned that there will be no consistency of provision across local authorities, and that the 'post code lottery' that already exists with regard to some services will only be underlined in cultural terms unless cultural aims and outcomes are specified.

The SPL supports the Literature Forum's suggestion of some possible objectives:

- Increasing citizens' access to skills of expression and appreciation.
- Increasing citizens' cultural knowledge in relation to history, literature, language, the arts, and heritage generally.
- The creation of culturally vital communities through high levels of citizen participation.

**3 *How can Scottish Executive and local authorities best utilise the influence and impact of cultural activity?***

We strongly underline the Literature Forum's point that it is questionable whether a government body could or should, in any desirable way, 'utilise' the influence of cultural activity (except possibly in the sphere of education).

**4** *Is the initial draft guidance of this part of the Culture Bill clear and helpful? Anything else it should contain?*

Please refer to the Literature Forum's response to this question, as follows:

It would be useful to have more examples of existing and new entitlements as envisaged by the Executive. Additionally, the Bill should give a clearer definition of what is meant by 'cultural provision' (see also 2 above). The reference, under part 1 paragraph 7 of the Bill, to a miscellany of previous legislation is unhelpful.

The Bill should also be more explicit about local authority resourcing and funding of enhanced local and national provision. We suggest the following addition:

Part 1, 2 (1) (a) should now read

'how the authority are to plan the provision of cultural services, and to have regard to the funding of local and national cultural organisations and bodies'.

### **Creative Scotland**

**5** *Should there be a single national cultural development body?*

Yes, with the proviso in 1.5 of the preliminary remarks.

**6** *Is the remit for Creative Scotland acceptable? Has it the right powers and functions?*

Please refer to the Literature Forum's response to this question, as follows:

Yes, though it would be helpful to have greater clarification of the roles of Creative Scotland in order to avoid unnecessary overlap with the roles of local authorities. For example, how will Creative Scotland link to local authorities at community levels? Will it advise local authorities as to entitlements?

We suggest that the remit of Creative Scotland should be modified as follows:

\* Part 2, 8 (2)

(a) '... the arts and culture, including the arts and culture of Scotland and their international outreach'.

\* Part 2,8 (2)

(b) 'Identifying and developing (~~delete~~ 'talent') creativity and creative practitioners, and creative and cultural enterprises which support and develop the talents and careers of creative artists.'

\* Part 2,8 (2)

Insert as (c): 'of co-operating with educational agencies to ensure that cultural components are incorporated within the curriculum across the ages 3-18.'

Change original (c) to (d) and replace '... in particular, the economic...' by '...including the personal, social and economic value and benefits...'

**7 *Should Creative Scotland work in concert with the Scottish Executive to implement national cultural policy?***

Yes, but the SPL strongly agrees with the Literature Forum's recommended amendment to Schedule 1 of the bill (p18) add to paragraph 16 (1): 'These powers do not relate to issues of artistic judgement.'

**National Collections**

**8 *Should National Collections remain as constitutionally separate centres of excellence?***

Yes.

**9 *Are the powers and functions proposed in the draft Bill right? Or how improve?***

Yes; again, the SPL agrees that these powers should remain (as with Creative Scotland) independent of ministerial influence, for example in acquisition, disposal and exhibition inclusion.

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

Please refer to the Literature Forum's response to this question, as follows:

While unsatisfactory, it may be justified as a holding name until the future relationship of the Commission and Historic Scotland is clarified. An explicit title for its present functions would be The National Survey of Scotland's Historic Environment.

**11 *Should The Faculty of Advocates be able to contribute to the Board of the National Library by having at least one representative?***

The SPL has no strong view on this, but notes that the NLS itself suggests that the Faculty of Advocates be considered equally with other historical founding members of the Library.

**12 *Should the Collections have the appropriate powers to obtain, loan and dispose of objects for or from their collections? If not, what should change?***

Yes, - see also 9 above.

#### **Dealing in tainted cultural objects**

- 13** *Should an offence similar to that In the 2003 Act be introduced in Scotland?*

Yes.

#### **Powers of local authorities to broadcast information**

- 14** *Should local authorities have a general power to broadcast information about their activities?*

Yes.

- 15** *Is it necessary to give authorities the 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 Act of 2003?*

Yes, they should be given such powers in this Bill.

26 March 2007



15 DEC 2006

## SCOTTISH EXECUTIVE

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14 December 2006

Dear Sir / Madam

### **DRAFT CULTURE (SCOTLAND) BILL AND DRAFT GUIDANCE ON CULTURAL PLANNING AND PROVISION OF LOCAL CULTURAL ENTITLEMENTS**

I have pleasure in enclosing with this letter two documents, for your consideration:

- Draft Culture (Scotland) Bill consultation document; and,
- Draft guidance to local authorities on cultural planning and the provision of local cultural entitlements.

These documents are being published today, for consultation. Please offer your comments, either on the specific questions in the Bill consultation document, or on any other matter. You may send comments:

- By post, to "Draft Culture Bill consultation" at the address above; or,
- By email, to [culturebill@scotland.gsi.gov.uk](mailto:culturebill@scotland.gsi.gov.uk).

Please note in your reply if your comments relate to only one of the documents, or to both. You may access the documents at the following website:

<http://www.scotland.gov.uk/Topics/ArtsCulture/CulturalPolicy>

Please offer your comments by 31<sup>st</sup> March 2007.

When responding to the consultation, **please ensure that you complete the attached Respondent Information Form**. This will enable us to handle your response appropriately, by, for example, making it publicly available or treating it as confidential.

Yours sincerely,

**GREIG CHALMERS**  
Head of Culture Bill team

