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Draft Culture (Scotland) Bill

Response from Clive Gillman,
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Local cultural entitlements

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

In a direct response to the question, it does seem likely that the development of cultural entitlements will help increase participation in cultural activities at some level. However, this may not be a full and adequate response to the question because a number of deeper questions remain – namely what is the intent and nature of such participation and what effect will the bill have upon this nature and intent - and ultimately, is this the best way to achieve the desired levels of engagement with the resources available.

It seems apparent from the language used that the philosophy of cultural entitlement that is written into the bill is based upon a conventional model of provision of services as applied to other civic services such as education and health. However, the nature of state intervention in culture needs to be acknowledged as being more complex than this.

Culture exists without state intervention and surfaces all around us in many successful forms. It also surfaces in less successful or even malign ways that might be considered to do little more than drown a particular individual's voice or identity and reinforce forms of passivity that lessen confidence and ambition.

However, the opportunity that lies at the heart of this proposed legislation is one that has originally been informed by a set of beliefs around enhancing the role of culture in our lives. These beliefs are informed by a notion that the mark of a civilised state is the action taken to preserve elements of cultural heritage and to develop new forms of culture that will challenge, inform and celebrate the community who may engage with it.

Within this it is important to recognise that the market alone will not support the most significant elements of this cultural ambition and that the state has a role to play in investing in the cultural well-being of its citizens. However, a proper understanding of this position cannot be based on an audit of the outcomes and instrumental measures of culture, but on a belief in the values inherent in the best of this activity – and how to make them more widespread.

At this point in time we cannot know what benefits accrue from state investment in culture. It is both a long-term process and one in which there are no control experiments to provide benchmarks. It is an act of faith and is one in which the conventions of providing quantitative transactions cannot be the defining measure. It is therefore important that the notion of cultural entitlements adopted within the bill recognises, values and empowers this powerful subtlety.

An understanding that culture is not 'provided' by the state also needs to inform the thinking and the rhetoric around the bill and its guidance. Within the concept of cultural entitlements we need to establish some principles that are informed less by a notion of 'to what elements of culture are we entitled' but more by a notion of 'what is my culture and am I able to participate in expressions of this culture that challenge, inform and celebrate who I am'. This concept is far more complex than the notion of provision that currently

exists within the bill, but has the potential to achieve much more of what informed the First Minister's St Andrews Day speech in 2003.

It also reflects a firmly held conviction that without an acknowledgement of this complexity any attempt to define useful legislation will be difficult and possibly counter-productive, creating bureaucratic mechanisms in order to service ill-defined concepts that alienate both those engaged with - and those currently disengaged with - state intervention in culture.

2. If you believe further or alternative measures are necessary, what are they?

To follow on from the statement in response to Q1, it seems that the details in the guidance document represent a retreat from any attempt to usefully support an explicit notion of cultural entitlement. The notion now exists in name only as a politically expedient concept implying some form of egalitarianism that the detail will fail to deliver. The goal is entirely admirable, but the gradual erosion of any ability to be bold and visionary in defining the mechanisms that may achieve this goal is disheartening.

The pathfinder projects currently under development might have provided some useful insights into alternative measures, but few seem to be bold in their conception and risky in their delivery. An issue may lie with exclusively focusing the delivery of cultural entitlements upon local authorities where there is seldom the opportunity to be bold and visionary.

It is also strange and mechanistic to divide the roles of the local authorities and the role of Creative Scotland. The best cultural activity happens when the local, the national and the international are all working together. It seems apparent that SAC (and presumably Creative Scotland) wish to pay heed to the notion of cultural entitlement, yet they have no remit to do so. The bill and its guidance may well benefit from a more inclusive, cross-sectoral approach to the achievement of cultural entitlement.

3. How do you think the Scottish Executive and local authorities can best utilise the influence and impact of cultural activity

Local cultural activity should be the place where creative thinking, expression and community celebration exist and thrive. It drives confidence and positivity and reinforces identity and expression - and while these are powerful values in themselves, they can also (if carefully handled) be instrumental in developing the social and economic wellbeing of communities. Cultural values should be central to education, health, urban design, social justice and the environment.

4. 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?

Paragraph 2.5 seems to effectively disable any ambition that the bill may have contained with respect to local cultural entitlements.

The proposal of a 'quality assurance framework' in 2.7 is a reflection of the challenges that exist to make the bill work. If this framework eventually only reflects the rest of the guidance here then it is likely to be of little use. Certainly the sophistication of current philosophies about people's experience of culture will be absent if this framework is

based on the current notions within the guidance and it will therefore have little credibility as a useful tool for professionals within the sector.

Paragraph 2.9 confuses the notion of Cultural Planning (which is a distinct method of instrumental community development) with the 'planning of culture'. This confusion is not useful and as the succeeding paragraphs focus on the instrumental objectives there is an implication that the planning of culture may only be for instrumental ends within the terms of the bill. This could be very dangerous and could lead to the erosion of successful cultural activity because of an inability to define any explicit instrumental gains.

While Cultural Planning, if applied correctly, can be a very useful tool for community development it should never be seen as a substitute for the planning of culture.

A number of other elements also seem to be missing here ;

- (i) The relationship of national cultural activity to entitlements.
- (ii) How the relationship between local authority duties and Creative Scotland will work with respect to cultural entitlements. Many organisations (DCA included) have both local and national perspectives and would see cultural entitlements as being relevant to all that we do.

Creative Scotland

5. Do you agree that there should be a single national cultural development body?

The question of whether or not there should be a single national cultural development body needs to be prefaced by the question that seeks to define its mission. It would seem likely that Scotland should have a single national cultural development body, but that assumption should not be allowed to obscure the absence of a clear defining vision for what this body is set to achieve.

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

I would disagree with the remit proposed.

The functions for Creative Scotland as defined in the bill are diverse and are not informed by a considered over-arching vision. The statement defining the function of 'promoting an understanding, appreciation and enjoyment of the arts and culture' is general enough, but the subsequent clauses ;

'identifying and developing talent'

'supporting and developing excellence'

realising the 'economic value and benefits'

'supporting activities which involve the application of creative skills to the development of products and processes'

give little scope for the weighting and prioritising of these different tasks.

Without a clear statement of a mission for the organisation there will always be a concern that not enough is being done, or worse still, wasteful struggles over direction. The remit given is that of a management body while the requirement is for a developmental body.

Without a clear and singular development remit the new organisation will always struggle. This is further complicated by the potential for political influence which will further force the new body towards mechanistic, short-term solutions that will do little to support any of the longer-term aims that informed the original First Minister's St. Andrew's Day speech in 2003 and without which the real opportunity of ambitious cultural development cannot be delivered.

7. Do you agree that Creative Scotland should work in concert with the Scottish Executive to implement national cultural policy?

I would agree that Creative Scotland should work with the Scottish Executive to implement national cultural policy. The issue may be the term 'in concert'. This term implies by mutual agreement. However, the relationship is unlikely to be one of equals and in the situation proposed by the bill any true mutuality will be difficult to achieve.

Paragraph 3.10 of the guidance clearly states that Creative Scotland will deliver cultural policy. The assumption being that this is the cultural policy of the Executive and the consequent implication that CS is solely an agent of the Executive. This is completely unacceptable and is a profound step that appears to be being taken by accident or by stealth. For over 50 years we have operated within the distinct 'arms-length' principle. There has been no credible critique of this principle that suggests it has not been successful and most people engaged with this area of national policy would celebrate the trust and responsibility established in protecting and growing the national cultural life through this approach.

The absence of a specific considered vision for the new body may be taken as a further statement of political expediency, necessary to ensure the successful and uncontroversial passage of the bill. However, while there is value in being able to redefine and refresh core objectives on a regular basis, this should not be driven by overt political agendas – especially when any developed objectives have little or no independent protection in law or charter. The absence of any stated mission for Creative Scotland, when coupled with the implied and explicit master-servant relationship with the Executive, is a significant threat to much of what is most valuable within the partnership of state and culture.

SPECIFIC AMENDMENTS

Following on from the above statements DCA supports a number of specific amendments to the proposed legislation, namely:

1. Ministerial Influence

The Bill states under Schedule 1, 16 (1):

“The Scottish Ministers may- give directions of a general or specific character, issue guidance, to Creative Scotland as to the exercise of Creative Scotland’s functions”

it is also stated in Schedule 1, 16 (2):

“Creative Scotland must comply with any directions given to it by the Scottish Ministers under this schedule and must have regard to any guidance so issued.”

We consider that this will jeopardise the arms length principle and that such a direct expression of Ministerial influence will allow for the possibility of direct political control of the strategic policy of Creative Scotland.

Amendment 1:

This concern could be alleviated by the addition of the phrase *“excluding matters of artistic content”* in Schedule 1, 16 (1) to read:

*“The Scottish Ministers may- give directions of a general or specific character issue guidance to Creative Scotland as to the exercise of Creative Scotland’s functions **excluding matters of artistic content.**”*

2. Instrumental Focus

In common with other bodies DCA recognises that the economic impact of the creative industries and cultural activity in Scotland should not be underestimated. However, that this instrumental benefit is highlighted in the wording of the draft Bill, at Part 2, 8 (2) (c), to the exclusion of the intrinsic benefits of Scotland’s culture is of major concern.

Amendment 2:

Part 2, 8 (2) (c) to read:

“of realising, as far as reasonably practicable to do so, the value and benefits (including the economic value and benefits) of the arts and culture”

We also feel strongly that the draft Bill should legislate for local authorities to recognise their cultural objectives in addition to their general functions, therefore:

Amendment 3:

Part 1, 2 (1) (a) to read: ***“How the authority defines their cultural objectives and plans the provision of cultural services”***

3. Cultural Entitlements/National Standards

DCA would echo the call by other bodies for reference to national standards for the delivery of cultural entitlements by local authorities, comparable to those recently developed for libraries and museums.

Amendment 4:

This could be covered in Part 1, 2 (1) (e) by an addition to read:

*“(e) how the authority should assess their performance in connection with –
(i) deciding which cultural services to provide, and
(ii) the provision of those services, and
(iii) **the national standards of provision**”*

4. The role of the individual artist

The draft Bill does not articulate the development of creative practitioners and the wording of Part 2 para 8 (2) (b) (i) should be amended. Without investment in the development of creative practitioners and the making of their work, the aspirations expressed by the Executive to deliver a national programme of cultural entitlements would not be possible.

Amendment 5:

Part 2, 8 (2) (b) (i) to read: *“identifying and developing **creative practitioners**”*