

28 March 2007

Barry Matthews
Scottish Executive
1-A North
Cultural Policy
Victoria Quay
Edinburgh
EH6 6QQ

Dear Mr Matthews

draft Culture (Scotland) Bill

Please find enclosed the Visual Arts and Galleries Association's response to the consultation on the draft Culture (Scotland) Bill. I also enclose the respondent information form, Annex C, duly completed.

I will also send the response electronically, although for some reason I have not been able to fill in Annex C online.

I hope this is useful. If VAGA can be of any further assistance, please contact me.

With kind regards.

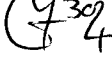
Yours sincerely



Ben Spencer
Policy and Development, VAGA Scotland

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Acknowledged.

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VAGA | Visual Arts and Galleries Association

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response to the draft Culture (Scotland) Bill

VAGA represents the visual arts sector across Scotland:

- National Galleries of Scotland
- Local Authority galleries
- University galleries
- independent galleries
- public art initiatives
- artists and curators

It is vital not to lose sight of the transformational experience that changes people when they come into contact with visual arts.

Contemporary visual arts are much more popular with audiences than the tabloids suggest. 27% of attenders in Scotland visited for 'self-improvement' compared to 16% in England. Not just self-improvement, but inspiration and dissemination of knowledge.

£54m spent on visual arts in Scotland in 2001-02 (support to publicly funded galleries).

Core activities of the visual arts sector are considered to be: exhibitions, publications, acquisition of art for collections. A vital role for curators is their relationships with artists and the promotion of Scottish artists, particularly in an international context.

In general VAGA welcomes the draft Culture (Scotland) Bill and is keen to play a full part in debating, amending and strengthening the proposed legislation.

VAGA does not believe however there is sufficient endorsement for culture and creativity in itself and the draft Bill does not appear to reflect the aspirations elaborated by the First Minister's St Andrew's day speech in 2003.

VAGA urges the Executive to take into account the importance of contemporary art and the work of living artists as well as museums, libraries and heritage in order that young people are encouraged actively to engage with current culture.

The consultation documents are considered too mechanistic, concentrating on the delivery of culture rather than enabling and supporting creativity. There is no vision, and little ambition, for the arts in Scotland - the focus is on yet more projects.

The draft Bill also concentrates very much on an instrumental view of culture and how cultural entitlements can assist local authorities in meeting their general functions. VAGA argues the intrinsic value of cultural should be recognised more fully, achieved through the setting of cultural objectives.

There appears little provision for a national 'conversation' around cultural policy and how Scotland wishes to be perceived by others and it is not clear how organisations outwith the local authority system are to participate in the provisions of the draft Bill. VAGA believes consideration should be given to legislating for a national strategy and national standards and guidelines. The focus of the Bill is on the delivery of culture at a local level and this does not appear to reflect the national and international status of Scotland's culture.

A particular concern is the perceived level of Ministerial influence proposed in the governance of Creative Scotland.

Finally, there is little mention of the role of the artist and the draft Bill does not articulate the need for support and development of creative practitioners. For example, there is no specific reference for the training, support and representation of the individual artist, or practitioner, and the draft bill could set up a more robust structure for doing so.

VAGA adopts a vision for Scotland's culture:

- embracing opportunities for everyone to enjoy, engage with and participate in art; recognising the intrinsic and transformative power of art;
- through a national strategy, encouraging links and partnerships between local, regional and national bodies to deliver the vision for Scotland's culture;
- with support for creative practitioners to implement the national strategy and deliver cultural entitlements;
- allowing Scotland's culture to flourish independently with ample resources.

DRAFT CULTURE (SCOTLAND) BILL - CONSULTATION QUESTIONS

In this consultation document we have highlighted a number of discussion points on which we would particularly like to know your views. These are summarised below.

If there are any other points you would like to make please feel free to make them.

Local cultural entitlements

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

The Visual Arts and Galleries Association (VAGA) believes everyone has a right to art - the opportunity to enjoy, engage with and participate in art and, in particular, the art of today. VAGA recognises significant gains are likely to be achieved through the development of cultural entitlements, but local authorities must be ambitious and aspirational in their provision of cultural activity, in order to increase participation, and not simply meet minimum requirements.

The Executive needs to take into account the importance of contemporary art and the work of living artists to engage people with the cultural activities of today and inspire them to become involved with, and participate in, the heritage of the future.

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

VAGA argues meaningful achievements can only be realised if local authorities set cultural objectives in scoping the delivery of entitlements.

In order to fully engage in the **cultural planning process**, local authorities should be required to audit and assess ALL current cultural provision in their locality and not just the organisations and initiatives which are funded by the authority. This exercise would highlight a region's strengths, identify successful, or less successful, attempts to engage the public in cultural activity and thereby inform the development of cultural entitlements.

The provision of cultural entitlements must also reflect quality and VAGA argues some form of national standards should be established, comparable to those recently developed for libraries and museums. Any work undertaken to construct a strategic Quality Assurance Framework must include reference to national standards relating to the quality of cultural provision. A mechanism to monitor the ongoing development of the national quality standard must also be included.

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

The Executive needs to be bold in recognising the intrinsic value of culture, at international, national, regional, local and individual levels. Cultural activity has significant impact on confidence, knowledge and understanding, critical thinking and communication skills.

As noted above, VAGA argues cultural outcomes must be recognised as importantly as other outcomes. The transformational impact of culture on people must be recognised over and above any other outcomes which might meet local authorities' general functions.

The focus on the economic value and benefits of the arts and culture appears too emphatic and VAGA argues it is unnecessary to single out one such benefit over and above any other.

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?

There appears to be a lack of clarity in the use of the term **cultural planning** which refers to a specific approach to community regeneration. In the draft guidance, the term also appears to be used in the context of referring to the planning for, and delivery of, cultural activity. Consideration should be given to further clarification, and careful use, of these terms.

Creative Scotland

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

In general, VAGA agrees there should be a single national cultural development body.

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

VAGA is concerned there is no creative vision for Creative Scotland.

Creative Scotland should be a development body, providing advice, advocacy and support to the cultural sector (both creative practitioners and organisations) in addition to disbursing funds.

The aggregation of the Scottish Arts Council and Scottish Screen seems however to focus on economic development and the 'enterprisation' of culture. This is compounded by the current indecision by the Scottish Executive in considering to what extent business advice and support is provided by Creative Scotland, or the Enterprise network. The idea to bring support for film development, as an artform, into Creative Scotland is to be welcomed, but it may make more sense, however, to deliver the economic benefits of film development, and of the creative industries, through the Enterprise network.

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

The guidance clearly states Creative Scotland will deliver cultural policy, implying the agency is solely an agent of the Executive. This is a profound step which appears to dismantle the 'arms length' principle of delivering cultural activity.

Creative Scotland should work with the Executive to develop and implement national cultural policy, but Creative Scotland should also be allowed to operate independently – to lead, and at times be in a position to lobby on behalf of, the performing and creative arts sector.

The draft Bill, however, does not seem to make provision for developing a national cultural strategy. The links between international, national and local agencies delivering cultural activity are not clear and these relationships are not explicit within the functions of Creative Scotland.

National Collections

8. Do you agree that the National Collections should remain as constitutionally separate centres of excellence?

Yes, as long as their operations are delivered in line with any national cultural policy and complement the work of Creative Scotland.

9. Do you think the powers and functions proposed for the Collections in the draft Bill are right? If not, how would you improve them?

The proposed changes make sense to bring the governance of the National Collections up to date.

VAGA welcomes the additional role of the National Galleries Board to: "give such advice and assistance as it considers appropriate to persons in charge of art galleries in Scotland", but considers this should be revised and strengthened to reflect a greater partnership approach, requesting the National Galleries Board also to respond to reasonable requests for such advice and assistance.

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

VAGA has no view on this matter.

11. 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?

VAGA has no view on this matter.

12. 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?

While others are better positioned to comment on loans and disposals of objects for or from their collections, VAGA Scotland recommends the adoption of clear and transparent acquisition policies which do not appear to form part of the draft Bill. VAGA is part of a UK network which aims to foster a climate in which the art and craft of our own time is actively collected by museums and galleries for the use, enjoyment and inspiration of their many publics.

Similarly, there is no reference to more imaginative accrual, loan or disposal policies: for example how art commissioned in the independent gallery sector can enter public collections.

Dealing in tainted cultural objects

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

Yes.

Powers of local authorities to broadcast information

14. Do you agree local authorities should have a general power to broadcast information about their activities?

Yes.

15. Do you think it 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 2003?

VAGA has no view on this matter.

AMENDMENTS

VAGA Scotland has been involved in a number of discussions around the Draft Culture (Scotland) Bill and is supporting a number of specific amendments to the proposed legislation, namely:

1. Ministerial Influence

VAGA Scotland is concerned at the phrasing of Schedule 1, 16 (1):

"The Scottish Ministers may-

(a) give directions of a general or specific character,

(b) issue guidance,

to Creative Scotland as to the exercise of Creative Scotland's functions"

and also at the implications of 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."

VAGA Scotland considers this jeopardises the arms length principle and that such a direct expression of Ministerial influence allowed 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-

(c) give directions of a general or specific character

(d) issue guidance

*to Creative Scotland as to the exercise of Creative Scotland's functions **excluding matters of artistic content.**"*

2. Instrumental Focus

VAGA Scotland recognises 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 primary 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*

VAGA Scotland also feels strongly 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

VAGA Scotland seeks 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*”