

**Matthews B (Barry)**

51  
Acknowledged 24/4  
B1263504

**From:** Johnston, Alastair R [AlastairJ@dumgal.gov.uk]

**Sent:** 09 March 2007 13:47

**To:** Cultural Bill Consultation

**Subject:** DRAFT CULTURE [SCOTLAND] BILL - CONSULTATION RERSPONSE FROM DUMFR IES AND GALLOWAY COUNCIL

Permission to put on web.

\*\*\*\*\*  
This email has been received from an external party and has been swept for the presence of computer viruses.  
\*\*\*\*\*

Attached please find a response from Dumfries and Galloway Council

<<SE Consult 0307.doc>>

**Alastair R Johnston**

**Operations Manager, Cultural Services**

*[Arts; Museums; Libraries, Information and Archives; and Registration of Births, Deaths and Marriages]*

**Department for Education and Community Services**

**Dumfries and Galloway Council**

tel 01387 260292

fax 01387 260294

Any email message sent or received by the Council may require to be disclosed by the Council under the provisions of the Freedom of Information (Scotland) Act 2002.

**DRAFT CULTURE [SCOTLAND] BILL**  
**RESPONSE TO CONSULTATION FROM**  
**DUMFRIES AND GALLOWAY COUNCIL**

Contact: Alastair R Johnston  
Operations Manager Cultural Services  
Ewart Library  
Catherine Street  
Dumfries DG1 1JB

01387 260292  
[alastairj@dumgal.gov.uk](mailto:alastairj@dumgal.gov.uk)

This response can be made available to the public and the Council would be happy to participate in further consultation.

The Draft Culture [Scotland] Bill was considered by the Council's Education and Community Services Committee at its meeting held in Dumfries on Tuesday 27 February 2007.

The Council welcomes the draft Bill as a statement of intent by the Scottish Executive to support and invest in Scotland's culture and cultural activity. It is disappointed however that the opportunity has not been taken to signal significant additional financial investment in local government cultural services or indeed to direct Scottish Enterprise to significantly increase their involvement and activity in the cultural sector at local level to aid economic activity and regeneration. Such a direction has a parallel in the Highlands and Islands where Highlands and Islands Enterprise have a social role and play a significant part in local cultural activity and local cultural planning.

Dumfries and Galloway Council request that Scottish Ministers consider relocating Creative Scotland or other significant cultural agency to the Crichton Campus, Dumfries to aid the local economy and to further develop Dumfries and Galloway's growing reputation as Scotland's capital of rural culture.

The Council would also like to see emphasis being placed on Scots language development particularly *Lallans* and, in terms of developing cultural links with Northern Ireland and the Ulster Scots, *Ullans* which merges *Ulster* and *Lallans*.

In answer to your specific questions -

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

Developing entitlements will not, of itself, produce the desired result. Developing cultural services to suit the needs and aspirations of local communities has been part of council policy for many years. Over these years considerable effort has been devoted to ensuring that such services as are provided are both relevant and appropriate to the needs of local communities. This has been achieved by adopting standards such as Charter Mark, by direct consultation, and by using feedback systems such as comment cards and computerised and on-line surveys. In overall terms, finance has not been available to the Council to fully develop services to meet

community aspiration. Given that resources were made available, then the resultant service development would ensure that cultural entitlements, as an expression of available services, would increase participation in cultural activities. There is a concern however that the staffing and other resources required to submit statutory information to the Scottish Executive may, if no further resources are made available, have to be diverted from front-line public service.

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

The development of local cultural entitlements – as outlined in the draft Bill - appears to be akin to a marketing exercise. The success of the exercise, if success is to be measured by participation, will very much depend on the quality of the services being marketed being sufficiently attractive to encourage people to use them initially and to then sustain that use into the future. The focus of work therefore needs to be on the quality of the services being provided and on ensuring that resources are made available to allow local authorities to invest in cultural services to meet the aspirations of the legislation and, more importantly, the aspirations of communities. The adoption of quality standards and frameworks for services is to be encouraged but the legislation needs to take account of ensuring that services are sufficiently resourced to be able to use these standards whilst continuing to provide front-line public services. It is disappointing that this need for additional resources has not been identified in the draft Bill or draft Guidance.

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

The draft guidance shows that the Scottish Executive has understanding of the potential role of cultural services as a driver for social change, for social development and for community well-being. The means of capturing and utilising this influence is less clear and seems to rely on the 'cultural case' being argued and agreed on an authority-by-authority basis and, within each authority, almost on a colleague-by-colleague basis. However persuasive this case, the absence of any good [ie financial] reason to guarantee a transfer from the local government 'for noting' pile to the top of its 'for immediate action' pile is a matter of regret. If the draft Bill is enacted then considerable thought will have to be given as to how the expected local government outcomes are actually to be delivered. Within Dumfries and Galloway Council the Council's Corporate Plan will require to be changed to reflect the contribution of cultural activity and cultural planning and investment built into the Council's strategic planning. It has to be recognised however that, despite the current lack of formal recognition within corporate documentation, a good deal of excellent work has been undertaken within the cultural field. Examples would be the growth of Wigtown Book Town, the success of the Kirkcudbright exhibitions and Artists' Town, and events such as Spring Fling and GaelForce.

***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?***

The Draft Guidance, whilst quite clear on the role of culture within both the local authority and the wider community, is simply restating known facts. The documentation clearly identifies both the intrinsic value of culture and its instrumental value in linking between and bringing added value to the Council's strategic policies.

It is unclear from the Draft Guidance as to what it is that the draft Culture Bill will do to change the status quo in relation to the role of culture within local authorities. The emphasis on Quality Assurance is to be welcomed so long as this can be achieved without duplication, in a coherent manner, and without diminution of front-line public service.

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

This question would only make sense if the words 'for the arts' were appended. The Consultation Document states, "*At present the Scottish Arts Council is responsible for funding, developing and promoting all branches of the arts. Scottish Screen is responsible for developing screen culture and industry. Both bodies are also involved with the support and development of the 'creative industries'. Ministers believe that it makes sense to have a single national cultural development body. The draft bill therefore proposes the establishment of Creative Scotland which will involve all branches of the arts, the screen industries and the creative industries.*" This appears to take no account of the work and role of other bodies within cultural development, for example, the Scottish Museums Council or the Scottish Library and Information Council.

As the document stands it does not make sense to have a single national cultural development body.

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

see previous answer

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

Creative Scotland should work alongside the other advisory bodies with the Scottish Executive and, in no sense, should be a sole partner with the Scottish Executive in implementing national cultural policy.

***Do you agree that the National Collections should remain constitutionally separate centres of excellence?***

There does not appear to be any reason for the National Collections to retain separate status. The draft Bill has identified a number of areas where economies of scale could achieve efficiencies and it follows that a single National Collections body could achieve even more significant economies. The similarity of purpose between some of the bodies would tend to support this view. It is easy to see a solution which has the Board of the National Collections and then a series of subsidiaries – National Collection of Scotland – Library and Archives, National Collection of Scotland – Galleries, National Collection of Scotland – Museums, etc

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

The new statutory role to offer advice and assistance should be the subject of further work. There appears to be the possibility of tension between both the Scottish Museums Council and the Scottish Libraries and Information Council in relation to

their respective sectors. At present the National Collections are a source of expertise, albeit perhaps less so in the case of the National Library of Scotland, which is currently valued and should not be lost. The imposition of a statutory duty could be seen to be upsetting a delicate balance.

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

Whilst acknowledging the role of the Faculty of Advocates no comment is made on whether or not the Faculty should continue to be represented on the Board of the National Library. That said, the imposition of a statutory role for the National Collections in relation to the work of local government would indicate that there is a need for local government to be represented on the Boards of all the National Collections. The position of the National Archives of Scotland appears to be anomalous in this regard and should be corrected.

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

A condition should be added to ensure that any object considered for disposal, by whatever means, by a National Collection is first offered to any appropriate local facility [museums, library, archive] that can demonstrate a legitimate interest in the object. Such transfers should be at nil consideration. This condition would have the benefit of enforcing the decentralisation of cultural assets and prevent objects being lost to local communities simply because they are no longer required by the national collections.

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

At the very least the name will cause considerable confusion between the National Archives of Scotland [archival objects being records], the National Library of Scotland [also collects records] and potentially the National Museums of Scotland. The name is not descriptive of the function of the proposed body and should be considered further, see also answers above which might provide a remedy for this particular difficulty.

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

Yes, although any retrospective action may have implications for items already held within the national collections.

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

Yes, together with the power to broadcast information on the activities of community planning and other partners. There is concern, as the draft Bill stands, that there is the possibility of local authorities being limited to broadcasting information on their own activities. The Council would suggest that this limitation is not within the spirit of the Bill and should be further amended.

***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 2003?***

A specific power would deliver a strong message that the Executive expect local authorities to broadcast information about their activities. Leaving local authorities to rely on the 'power to advance well-being' might have the effect of introducing an element of doubt.