

**Matthews B (Barry)**

Acknowledged. 55  
29/4

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Please find attached East Ayrshire Councils response to the Draft Culture Bill and Draft Guidance.

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# **DRAFT CULTURE (SCOTLAND) BILL AND ASSOCIATED GUIDANCE**

## **A response from an East Ayrshire Perspective**

### **Part 1 – Local Cultural Entitlements**

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

East Ayrshire Council believes it may help participation by raising the profile of cultural activities in the area. There may be more participation, but, there needs to be a concerted effort to engage the hard to reach rather than increase participation rates of those already taking part. Ideally, the document would go further in securing cultural provision.

From an East Ayrshire perspective, the opportunity has been missed to influence the first Four-yearly Review of Community Planning; however, it will be important to ensure that a process is in place to inform the ongoing development of the Action Plans, beginning with the Interim Review in spring 2009.

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

East Ayrshire Council believes that measures should be taken to address groups that are under represented in cultural participation. These groups, it can be argued, might benefit most from participation.

Also, the Community Planning process already involves a number of stakeholders. Cultural activities, often believed to be subordinate to other items – acknowledged in the First Minister Jack McConnell's speech, need to be given the importance that they arguably deserve. East Ayrshire Council would welcome the opportunity of allowing Creative Scotland the means to inform community planning partners of the benefits of cultural participation.

In seeking to realise the potential for cultural activities, East Ayrshire Council's Leisure Services has a representative on each of the community planning themes working groups. The representatives continually seek to have an influence on, and work within, the Community Plan. This could be used as an example for other authorities to use when seeking to incorporate cultural planning and community planning.

East Ayrshire Council has in place a number of activities that are believed to fit the 'entitlement' definition. This includes, the Youth Music Initiative and free access to collections and libraries.

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

Local authorities can best utilise the influence and impact of cultural activity by providing evidence of the benefits; using examples of good practice as well as evidence based research, to influence future developments. Local authorities should also be benchmarking against good practice. This would show a dedication to evidence based policy and securing continuous improvement. These processes are made easier by the Scottish Executive clearly providing examples of best practice and encouraging sharing of ideas.

Monitoring the process, outputs and outcomes will require additional resources. These should be made available to secure the delivery of improved services to meet raised expectations.

It is believed that there should be a statement regarding the Scottish Executive's responsibility to ensure local authorities *ability* to provide *quality* cultural activities. Additionally, there is a need to coordinate the process of consultation to ensure that residents do not suffer from 'consultation fatigue'.

**4. Do you think that the initial draft guidance under this part of the Culture Bill is clear and helpful? Is there anything else it should contain?**

It is noticed that 'entitlements' have been omitted from the bill; these should be included if entitlements are to be important in the future.

The guidance is relatively clear. However, with reference to the section on local cultural entitlements, the word 'ideally' should be omitted from the sentence: "This consultation and planning process should happen as part of the authority's cultural planning, which should *ideally* inform the strategic Community Planning process". This will lay a more concrete foundation for securing cultural planning into community planning.

**Part 2 – Creative Scotland**

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

East Ayrshire Council would argue the premise of the question in stating that there isn't going to be a single national cultural development body: the national collections are separate.

However, it is imperative that money that could go towards delivering services is not 'lost' in another bureaucracy. This is also true for any monitoring and evaluation that the organisation carries out. Minimising the number of institutions streamlines processes, enabling a better coordination of resources and limiting the duplication of work.

Lastly, it is hoped that Creative Scotland will cater more for the general population rather than select interest groups; increasing the benefits from cultural rights and entitlements. It can also carry more weight in arguing the case for general 'creativity' in Scotland.

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

The remit proposed for Creative Scotland is broad and there is the possibility of duplication with the existing roles of Councils and Enterprise Companies. Creative Scotland will face a significant challenge in balancing the requirements of its diverse functions. Greater clarity would exist if Creative Scotland was given a remit to concentrate on the development rather than direct delivery of services.

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

Yes. There has to be effective coordination of wider national policy and cultural policy.

**Part 3 – National Collections**

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

East Ayrshire Council would seek to bring these together and as a part of Creative Scotland. However, in the current structure, it is beneficial to make a concerted effort to partnership working across these organisations to inform each of the institutions about the work of others and realise the benefits of joint working; seeking to eradicate any duplication in effort.

**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?**

East Ayrshire Council believes these are adequate for each organisation.

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

This could be a little more informative as to its functions. That is, it could be called 'National Record of Scotland's Monuments'.

**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?**

East Ayrshire Council believes that the key stakeholders should be represented on the board of the National Library.

**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?**

Insofar as we understand, the powers relating to the above are adequate.

**Part 4 – Dealing in tainted cultural objects**

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

It is believed to be a necessary addition to current criminal legislation. East Ayrshire Council is concerned about the application of this law for artefacts that are already part of a collection. Anomalies should be treated on a case by case basis.

**Part 5 – Powers of local authorities to broadcast information.**

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

This is a very important step in breaking down the information divide that has arguably been growing in the UK. Many in rural locations do not have easy access to the internet – a commonly used source of information on local authorities. Broadcasting, through radio or television may reach audiences where other media fail.

**15. Do you think it necessary to give authorities this power in the 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.**

East Ayrshire Council believes it should be included in the Bill.

**In Conclusion**

In general the document is felt not far reaching enough to really encourage, and provide opportunities for, much more participation in cultural activities. The document should go some way to ensuring Scottish Executive funding is provided to local authorities to support service delivery to match increased expectations - from the public *and* from the Scottish Executive.